
PRELIMINARY DRAFT
No. 3801

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 20-30; IC 20-31; IC 20-1-1.3-9; IC 20-32.

Synopsis: Title 20 recodification. Articles 30, 31, and 32 (New cite order, with queries).

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning recodification of education laws.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-30 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 30. CURRICULUM

Chapter 1. Applicability

[20-10.1-1-0.5] Sec. 1. ~~Sec. 0.5. The provisions in This article concerning schools only apply~~ **applies only to the following:**

(1) Public schools; ~~and~~

(2) Nonpublic schools that voluntarily have become accredited under ~~IC 20-1-1-6[??]~~; **IC 20-19-2-8.**

Chapter 2. Calendar

[20-10.1-2-1] Sec. 1. (a) ~~A school year is the period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose.~~

(b) ~~A student instructional day in grades 1 through 6 consists of a minimum of five (5) hours of instructional time. A student instructional day in grades 7 through 12 consists of a minimum of six (6) hours of instructional time. For purposes of this section, As used in this chapter, "instructional time" is time in during which students are participating in:~~

(1) an approved course;

(2) a curriculum; or

(3) an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between classes. ~~However,~~ Instructional time does not include lunch or recess.

[20-10.1-2-1] Sec. 2. ~~(c) A student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time. A student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.~~



[20-10.1-2-1] Sec. 3. For the 1987-88 school year, each school corporation shall conduct at least one hundred seventy-five (175) student instructional days. For the 1988-89 school year and each school year, after that, each a school corporation shall conduct at least one hundred eighty (180) student instructional days. ~~No~~ Not later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year.

[20-10.1-2-1] Sec. 4. ~~(d)~~ If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under ~~subsection (c)~~, **section 3 of this chapter**, the department shall reduce the August tuition support distribution to that school corporation **for a school year** by an amount determined as follows:

(1) For the 1987-88 school year, the amount determined under ~~STEP THREE~~ of the following formula:

STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred seventy-five (175).

STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO.

(2) For the 1988-89 school year and each school year after that, the amount determined under ~~STEP NINE~~ of the following formula:

STEP ONE: Determine the remainder of:

(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus

(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE (B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP



ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

[20-10.1-2-1] Sec. 5. ~~(e)~~ The department may grant a waiver of the penalty imposed under ~~subsection (d)~~ **section 4 of this chapter** for a particular number of ~~cancelled canceled~~ student instructional days if:

(1) the school corporation applies to the department for a waiver of the penalty imposed under ~~subsection (d)~~ **section 4 of this chapter** for a specific number of ~~cancelled canceled~~ student instructional days; and

(2) each of the particular number of student instructional days requested to be waived under this ~~subsection~~ **section** was ~~cancelled canceled~~ due to extraordinary circumstances.

[20-10.1-2-1] Sec. 6. ~~(f)~~ The department shall develop guidelines for school corporations to apply for a waiver under ~~subsection (e)~~ **section 5 of this chapter**.

[20-10.1-2-2] Sec. 7. ~~Sec. 2: Minimum School Term~~. The minimum length for a school term is nine (9) months.

Chapter 3. Annual and Patriotic Observances

[20-10.1-2-3] Sec. 1. ~~Sec. 3:~~ **(a)** The last Friday of April is designated for general observance as Arbor Day to encourage the planting of shade and forest trees, ~~shrub~~, **shrubs**, and vines.

(b) Each year the governor shall proclaim Arbor Day at least thirty (30) days before it occurs.

(c) Appropriate exercises giving due honor to:

(1) the conservators of forestry; ~~to~~

(2) the founders of the study and conservation of Indiana forestry; and ~~to~~

(3) a leading spirit of Indiana forestry conservation, Charles Warren Fairbanks;

may be prepared by each superintendent and conducted in each school and by communities throughout Indiana.

[20-10.1-2-4] Sec. 2. ~~Sec. 4: Other Observances~~. The public schools shall appropriately observe the commemorations designated in ~~IC 1971, 1-1-9; IC 1971, 1-1-10; and IC 1971, 1-1-11. IC 1-1-9 through IC 1-1-11.~~ [QUERY: MORE COMMEMORATIONS HAVE BEEN ADDED SINCE THIS WAS ENACTED - UPDATE IN COMPANION BILL?]

[20-10.1-2-5] Sec. 3. ~~Sec. 5:~~ The state board of ~~education~~ shall:

(1) require the singing of the entire national anthem, "Star Spangled Banner", in each school on all patriotic occasions; and ~~shall~~

(2) arrange to supply the words and music in sufficient quantity for these purposes.



[20-10.1-2-6] Sec. 4. ~~Sec. 6. United States Flag.~~ (a) Each governing body shall procure a United States flag ~~size that is~~ four (4) feet by six (6) feet for each school under ~~its~~ the governing body's supervision.

(b) If weather conditions permit, each governing body shall require that the United States flag be displayed on every school under ~~their the~~ governing body's control on every day the school is in session. If the flag is not displayed outdoors for any reason, ~~it shall the flag must~~ be displayed in the principal room or assembly hall. Each governing body shall establish rules and regulations for the proper care, custody, and display of the flag.

(c) A person who violates subsection (b) ~~of this section~~ commits a Class C infraction.

Chapter 4. Student Career Plan

[20-10.1-4.5-1] Sec. 1. As used in this chapter, "student" refers to a student who is enrolled in a school corporation in at least grade 9.

[20-10.1-4.5-2] Sec. 2. In consultation with the student's guidance counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall develop a career plan in which the student does the following:

(1) Indicates the subject and skill areas of interest to the student.

(2) Designs a program of study under the college/technology preparation curriculum adopted by the state board under ~~IC 20-10.1-5.7-2~~ IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests and aptitude of the student.

(3) Ensures that upon satisfactory fulfillment of the plan the student:

(A) is entitled to graduate; and

(B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution (as defined in IC 20-12-0.5-1).

[20-10.1-4.5-3] Sec. 3. Any decisions ~~with regard to~~ regarding the requirements under this chapter for a student who is a ~~child~~ student with a disability ~~under IC 20-1-6~~ shall be made in accordance with the individualized education program for that student and federal law.

[20-10.1-4.5-4] Sec. 4. A career plan may be modified after initial development. However, the modifications may not interfere with the assurances described in section 2(3) of this chapter.

[20-10.1-4.5-5] Sec. 5. ~~Nothing in~~ This chapter may **not** be construed to prevent a student who chooses a particular curriculum under ~~IC 20-10.1-5.6~~ IC 20-30-12 or ~~IC 20-10.1-5.7~~ IC 20-30-10 from including within the student's career plan individual courses or programs that:

(1) are not included within the student's chosen curriculum; and

(2) the student is otherwise eligible to take.

Chapter 5. Mandatory Curriculum



[20-10.1-4-1] Sec. 1. (a) In each of grades ~~six (6) through twelve~~ **(12); 6 through 12**, every public and nonpublic school shall provide instruction ~~in on~~ the constitutions of:

- (1) Indiana; and ~~of~~
- (2) the United States.

(b) In public elementary ~~school; schools~~, instruction ~~in on~~ the ~~constitution~~ **constitutions** shall be included as a part of American history. ~~and~~ In the public high schools, instruction ~~in on~~ the ~~constitution~~ **constitutions** shall be included as a part of civics or ~~otherwise; another course~~, as the state board of education may ~~prescribe~~ **require** by rules. Failure of any public school teacher or principal to comply with this requirement constitutes misconduct in office under ~~IC 20-6-1-3-7~~. **IC 20-28-5-7**.

(c) Each nonpublic elementary school and high school shall provide ~~this instruction~~ **under this section** as ~~prescribed~~ **required** by the state board. ~~of education~~.

[20-10.1-4-2] Sec. 2. (a) Each public and nonpublic high school shall provide a required course ~~of that is~~:

- (1) not less than one (1) year of school work; and
- (2) in the:
 - (A) historical;
 - (B) political;
 - (C) civic;
 - (D) sociological;
 - ~~economic~~; (E) **economical**; and
 - (F) philosophical;

aspects of the constitutions of Indiana and ~~of~~ the United States.

(b) The state board ~~of education~~ shall:

- (1) prescribe ~~this the~~ course **described in this section** and ~~its the~~ **course's** appropriate outlines; and ~~shall~~
- (2) adopt the necessary textbooks for uniform instruction.

~~No~~ (c) A high school student may **not** receive a diploma unless ~~he~~ **the student** has successfully completed ~~this the~~ interdisciplinary course **described in this section**.

[20-10.1-4-2.5] Sec. 3. ~~Sec. 2-5~~: (a) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States. ~~of America~~;
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the



1 founding fathers and presidents of the United States.

2 (11) United States Supreme Court decisions.

3 (12) Executive orders of **the** presidents of the United States.

4 (13) Frederick Douglas' Speech at Rochester, New York, on July
5 5, 1852, entitled "What to a Slave is the Fourth of July?".

6 (14) *Appeal* by David Walker.

7 (15) Chief Seattle's letter to the ~~United States~~ **federal** government
8 in 1852 in response to the ~~United States~~ **federal** government's
9 inquiry regarding the purchase of tribal lands.

10 (b) A school corporation may allow a principal or teacher in the
11 school corporation to read or post in a school building or classroom or
12 at a school event any excerpt or part of a writing, document, or record
13 listed in subsection (a).

14 (c) A school corporation may not permit the content based
15 censorship of American history or heritage based on religious
16 references in a writing, document, or record listed in subsection (a).

17 (d) A library, a media center, or an equivalent facility that a school
18 corporation maintains for student use must contain in the facility's
19 permanent collection at least one (1) copy of each writing or document
20 listed in subsection (a)(1) through (a)(9).

21 (e) A school corporation:

22 (1) ~~must~~ **shall** allow a student to include a reference to a writing,
23 document, or record listed in subsection (a) in a report or other
24 work product; and

25 (2) may not punish the student in any way, including a reduction
26 in grade **for using the reference**.

27 [20-10.1-4-3] Sec. 4. ~~Sec. 3: System of Government; American~~
28 ~~History:~~ (a) Each public **school** and nonpublic school shall provide
29 within the two (2) weeks preceding ~~each a~~ general election for all
30 students in ~~each of grades six (6) through twelve (12)~~ **6 through 12**
31 five (5) full recitation periods of class discussion concerning:

32 (1) the system of government in Indiana and in the United States;

33 (2) methods of voting;

34 (3) party structures;

35 (4) election laws; and

36 (5) the responsibilities of citizen participation in government and
37 in elections.

38 (b) ~~No one~~ **A student** may **not** receive a high school diploma unless
39 ~~he the student~~ has completed a two (2) semester course in American
40 history.

41 (c) If a public school superintendent violates this section, the state
42 superintendent shall receive and record reports of the violations. ~~and~~
43 The general assembly may examine these reports.

44 [20-10.1-4-4] Sec. 5. ~~Sec. 4: Morals Instruction:~~ (a) Each public
45 **school teacher** and ~~non-public~~ **nonpublic** school teacher **who is**
46 employed to instruct in the regular courses of ~~the first twelve (12)~~



grades **1 through 12** shall present ~~his the teacher's~~ instruction with special emphasis on:

- (1) honesty;
- (2) morality;
- (3) courtesy;
- (4) obedience to law;
- (5) respect for the national flag **and** the constitutions of **the State of Indiana and** the United States; ~~and of Indiana;~~
- (6) respect for parents and the home;
- (7) the dignity and necessity of honest labor; and
- (8) other lessons of a steadying influence ~~which that~~ tend to promote and develop an upright and desirable citizenry.

(b) The state superintendent shall prepare outlines or materials for ~~this the~~ instruction **described in subsection (a)** and incorporate ~~them~~ **the instruction** in the regular courses of ~~these twelve (12)~~ grades **1 through 12**.

[20-10.1-4-4.5] Sec. 6. ~~Sec. 4.5:~~ (a) Notwithstanding ~~IC 20-10.1-1-0.5~~, This section applies only to public schools. ~~(as defined in IC 20-10.1-1-2).~~

(b) As used in this section, "good citizenship instruction" means integrating **instruction** into the current curriculum ~~instruction~~ that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing ~~one's the student's~~ personal best.
- (5) Not stealing.
- (6) Possessing the skills **(including methods of conflict resolution)** necessary to live peaceably in society and not resorting to violence to settle disputes. ~~including methods of conflict resolution.~~
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way ~~one the student~~ would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting ~~one's the student's~~ parents and home.
- (12) Respecting ~~one's the student's~~ self.
- (13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall:

- (1) identify; and
- (2) make available;

models of conflict resolution instruction to school corporations.



~~models of conflict resolution instruction: which~~ **The instruction** may consist of a ~~program of teacher training program with application of that applies~~ the techniques to the ~~children students~~ in the classroom to assist school corporations in complying with this section.

[20-10.1-4-5] Sec. 7. ~~Sec. 5:~~ Each school corporation shall include in ~~its the school corporation's~~ curriculum the following studies:

(1) Language arts, including:

(A) English;

(B) grammar;

(C) composition;

(D) speech; and

(E) second languages.

(2) Mathematics.

(3) Social studies and citizenship, including the:

(A) constitutions;

(B) governmental systems; and

(C) histories;

of Indiana and the United States.

(4) Sciences.

(5) Fine arts, including music and art.

(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(7) Additional studies selected by each governing body, subject to revision by the state board. ~~of education.~~

[20-10.1-4-6] Sec. 8. ~~Sec. 6:~~ A course in safety education for ~~no less than at least~~ one (1) full semester shall be taught in ~~the eighth~~ grade **8** of each public ~~school~~ and nonpublic school. The state board ~~of education~~ shall:

(1) prepare a guide for this course ~~which:~~ **that:**

(A) the teacher shall use; and ~~which~~

(B) may be revised under the direction of the state board; ~~of education;~~ and

(2) adopt textbooks or other materials for ~~this the~~ course under ~~IC 20-10.1-9. IC-20-20-5.~~

[20-10.1-4-7] Sec. 9. ~~Sec. 7:~~ (a) The principles of hygiene and sanitary science ~~shall must~~ be taught in ~~the fifth~~ grade **5** of each public school and may be taught in other grades. This instruction must explain the ways ~~of that~~ dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction.

(b) The state health commissioner and the state superintendent shall jointly compile a leaflet describing the principles of hygiene, sanitary science, and disease prevention ~~They and~~ shall supply ~~these the~~ leaflets to each superintendent, who ~~in turn~~ shall:

(1) supply ~~them the~~ leaflets to each school; and ~~shall~~

(2) require the teachers to comply with this section.

(c) Each prosecuting attorney to whom the state department of



health or ~~its~~ **the state department of health's** agents ~~reports~~ **report** any violation of this section shall commence proceedings against the violator.

~~(b)~~ **(d)** Any ~~person~~ **student** who objects in writing, or any ~~person~~ **student under the age of less than** eighteen (18) **years of age** whose parent or guardian objects in writing, to health and hygiene courses because the courses conflict with the ~~person's~~ **student's** religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science without penalties ~~as to~~ **concerning** grades or graduation.

[20-10.1-4-8] Sec. 10. ~~Sec. 8: Diseases.~~ **(a)** The ~~trustee of each township and the board of school trustees of each city governing body~~ [QUERY: Does this change substance?] shall provide in each ~~of their public schools~~ **school** for the illustrative teaching [QUERY: What does this mean?] of:

(1) the spread of disease by:

(A) rats;

(B) flies; and

(C) mosquitoes;

and ~~its~~ **the effects of disease;** and ~~of~~

(2) disease prevention by ~~the~~ proper **food** selection and consumption. ~~of food.~~

(b) A school official who fails to comply with this section commits a Class C infraction.

[20-10.1-4-9.1] Sec. 11. ~~Sec. 9.1:~~ **(a)** ~~Beginning in the 1991-92 school year, For kindergarten through grade 12,~~ the governing body of each school corporation shall ~~for each grade from kindergarten through grade 12~~ provide instruction concerning the effects that:

(1) alcoholic beverages;

(2) tobacco;

(3) prescription drugs; and

(4) controlled substances;

have on the human body and society at large.

(b) The **state** board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material ~~described in~~ **made available under** subsection ~~(a)~~ **(b)**. [QUERY: Should this be "the matters described in subsection (a)"?]

(d) The **state** board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

[20-10.1-4-10] Sec. 12. ~~Sec. 10:~~ **(a)** Each school corporation shall:



(1) include in ~~its~~ **the school corporation's** curriculum instruction concerning the disease ~~known as~~ acquired immune deficiency syndrome (AIDS); and ~~shall~~

(2) integrate this effort to the extent possible with instruction on other dangerous communicable diseases.

(b) A school corporation shall consider the recommendations of the AIDS advisory council ~~as established in by IC 20-8.1-11~~ **IC 20-34-1** concerning community standards on the:

(1) content of the instruction;

(2) ~~the~~ manner in which the information is presented; and

(3) ~~the~~ grades in which ~~it~~ **the information** is taught.

(c) Literature that is distributed to school children and young adults under this section must include information required by ~~IC 20-8.1-7-21~~ **IC 20-34-3-17**.

(d) The department, in consultation with the state department of health, shall develop AIDS educational materials. The department shall make the materials developed under this section available to school corporations.

[20-10.1-4-11] Sec. 13. ~~Sec. 11~~ Throughout instruction on human sexuality or sexually transmitted diseases, an accredited school shall:

(1) **require a teacher to** teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;

(2) **include in the instruction** that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems; and

(3) **include in the instruction** that the best way to avoid sexually transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage.

[20-10.1-4-12] Sec. 14. ~~Sec. 12~~ (a) To:

(1) educate students on the importance of their future career choices;

(2) prepare students for the realities inherent in the work environment; and

(3) instill in students work values that will enable them to succeed in their respective careers;

~~and beginning with the 1994-95 school year~~, each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

(1) integrate within the curriculum instruction that is; or

(2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as



described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models ~~shall~~ **described in this subsection must be** developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through 10, career exploration models that offer students insight into future employment options.

(4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the ~~utilization~~ **use** of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher training activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

[20-10.1-4-13] Sec. 15. ~~Sec. 13:~~ (a) Each school corporation shall include in the school corporation's high school health education curriculum instruction regarding breast cancer and testicular cancer as adopted by the state board, including the significance of early detection of these diseases through:

(1) monthly self-examinations; and

~~in the case of breast cancer;~~ (2) regularly-scheduled mammographies **in the case of breast cancer.**

(b) The department shall, in consultation with the state department of health, develop breast cancer and testicular cancer educational materials to be made available to school corporations to assist teachers assigned to teach the material described in this section.

(c) The:

(1) department shall develop guidelines; and ~~the~~

(2) state board shall adopt rules under IC 4-22-2;

~~with regard to~~ **concerning** the instruction required under this section to assist teachers assigned to teach the material described in this



1 section.

2 [20-10.1-4-14] Sec. 16. ~~Sec. 14.~~ (a) Each school corporation shall
3 include in the school corporation's high school health education
4 curriculum instruction regarding the human organ donor program and
5 blood donor program as adopted by the state board, including:

- 6 (1) the purpose of the human organ donor program and blood
7 donor program;
- 8 (2) the statewide and nationwide need for human organ and blood
9 donations; and
- 10 (3) the procedure for participation in the human organ donor
11 program and blood donor program.

12 (b) The department shall, in consultation with the state department
13 of health or any other appropriate organization, develop human organ
14 donor program and blood donor program educational materials to be
15 made available to school corporations to assist teachers assigned to
16 teach the material described in this section.

17 (c) The:

- 18 (1) department shall develop guidelines; and ~~the~~
- 19 (2) state board shall adopt rules under IC 4-22-2;
20 ~~with regard to~~ **concerning** the instruction required under this section
21 to assist teachers assigned to teach the material described in this
22 section.

23 [20-10.1-4-15] Sec. 17. ~~Sec. 15.~~ (a) A school corporation shall make
24 available for inspection by the ~~parents parent~~ or ~~guardians guardian~~
25 of a student [QUERY: Definition for "parent" for the title includes
26 parent, guardian, and custodian. OK?] any instructional materials,
27 including:

- 28 (1) teachers' manuals;
- 29 (2) ~~student texts;~~ **textbooks;**
- 30 (3) films or other video materials;
- 31 (4) tapes; and
- 32 (5) other materials;

33 used in connection with a personal analysis, an evaluation, or a survey
34 described in subsection (b).

35 (b) A student shall not be required to participate in a personal
36 analysis, an evaluation, or a survey that is not directly related to
37 academic instruction and that reveals or attempts to affect the student's
38 attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- 39 (1) political affiliations;
- 40 (2) religious beliefs or practices;
- 41 (3) mental or psychological conditions that may embarrass the
42 student or the student's family;
- 43 (4) sexual behavior or attitudes;
- 44 (5) illegal, antisocial, self-incriminating, or demeaning behavior;
- 45 (6) critical appraisals of other individuals with whom the student
46 has a close family relationship;



(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or
 (8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);

without the prior consent of the student if the student is an adult or **an** emancipated minor or the prior written consent of the student's parent ~~or guardian~~ if the student is an unemancipated minor. A parental consent form for ~~such~~ a personal analysis, **an** evaluation, or **a** survey **described in this section** shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

(c) The department and the governing body shall give parents and students notice of their rights under this section.

(d) The governing body shall enforce this section.

Chapter 6. Optional Curriculum

[20-10.1-7-1] Sec. 1. (a) The **state** board and the state superintendent may prescribe a program of adult education. The **state** board shall adopt **rules** under IC 4-22-2 ~~rules~~ to provide **for** this program and **to provide for** the state distribution formula for money appropriated by the general assembly for adult education. Money appropriated by the general assembly for adult education may **only** be used **only** to reimburse a school corporation for adult education that is provided to ~~persons~~ **individuals** who:

(1) need ~~that the~~ education to ~~gain the mastery of master~~ a skill that leads to:

(A) the completion of grade 8; or

(B) a state of Indiana general educational development (GED) diploma under ~~IC 20-10.1-12.1~~; **IC 20-20-6**;

(2) need ~~that the~~ education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate or a state of Indiana general educational development (GED) diploma) but who demonstrate basic skill deficiencies in mathematics or English/language arts.

~~However,~~ **For purposes of reimbursement under this section**, the school corporation may not count ~~for reimbursement under this section~~, ~~any person an individual~~ who is also enrolled in ~~its K-12~~ **the school corporation's kindergarten through grade 12** educational program. ~~In addition, a person~~ **An individual** described in subdivision (3) may ~~only~~ be counted for reimbursement by the school corporation **only** for classes taken in ~~the subjects of~~ mathematics and English/language arts.

(b) The **state** board shall provide for reimbursement to a school corporation under this section for ~~instructor's~~ **instructor** salaries and administrative and support costs. However, the **state** board may not allocate more than fifteen percent (15%) of the total appropriation **under subsection (a)** for administrative and support costs.



(c) ~~Each~~ A school corporation may conduct a program of adult education.

(d) ~~Each~~ A school corporation may require ~~a person~~ **an individual** who:

(1) is at least sixteen (16) years of age; and

(2) wishes to enroll in a school following ~~that the~~ student's expulsion from school under ~~IC 20-8-1-5 (before its repeal) or IC 20-8-1-5.~~ **IC 20-33-10** on the grounds that the student was:

(A) disorderly; or ~~that the student was~~

(B) dangerous to persons or property;

to attend evening classes or classes established for students who are at least sixteen (16) years of age. However, **the school corporation shall provide a child student** with a disability ~~(as defined by IC 20-1-6-1)~~ who is at least eighteen (18) years of age and whom the school corporation elects to educate ~~shall be provided~~ with an appropriate special educational program.

[20-10.1-7-1.1] Sec. 2. ~~Sec. 1.1.~~ (a) The department shall, in cooperation with the department of workforce development, implement the Indiana program of adult competency.

(b) The department may, with approval by the department of workforce development, **do the following:**

(1) ~~Utilize~~ **Use** funds available under the Job Training Partnership Act under 29 U.S.C. 1500 et seq. ~~and, with approval by the department of workforce development,~~

(2) ~~Utilize~~ **Use** funds available to the department of workforce development to implement ~~this~~ **the Indiana program of adult competency.**

[20-10.1-7-1.5] Sec. 3. ~~Sec. 1.5.~~ If money appropriated in ~~any~~ a fiscal year by the general assembly for adult education is insufficient to fund the state adult education distribution formula provided in the rules adopted by the state board, ~~of education,~~ the ~~state~~ budget agency may transfer a sufficient amount of money from any excess in the state appropriation for tuition support for ~~that the~~ fiscal year to fund the state adult education distribution formula. Before the ~~state~~ budget agency makes ~~the~~ a transfer, ~~it the~~ **budget agency** shall refer the matter to the ~~state~~ budget committee for ~~its~~ **an** advisory recommendation.

[20-10.1-7-2] Sec. 4. ~~Sec. 2.~~ ~~Educational Television.~~ ~~Each~~ (a) A school corporation may:

(1) conduct educational television instruction; and ~~may~~

(2) contract with a commercial television station for the use of the station's facilities and staff. ~~Each~~

(b) A governing body may budget and appropriate from the **school corporation's** general fund for ~~this~~ ~~and, if so,~~ ~~shall~~ **budget and appropriate expenditures under this section** in the same manner as provided by law for other school expenditures.

[20-10.1-7-3] Sec. 5. ~~Sec. 3.~~ ~~Educational Television = Joint~~



~~Programs. Any~~ **(a)** Two (2) or more school corporations may jointly exercise the powers ~~conferred described~~ in section ~~2 4~~ of this chapter. **The school corporations shall enter into an agreement as to the part of expenses incurred under section 4 of this chapter that each school corporation pays.**

~~These corporations~~ **(b)** A school corporation described in subsection (a) may pay into a joint fund ~~their proportionate parts of the cost of these services; an amount~~ computed annually as previously agreed by the proper officers of the participating school corporations. **under an agreement described in subsection (a).**

(c) The treasurer of ~~this a~~ joint fund **described in subsection (b)** shall deposit ~~it money in the fund~~ as provided under IC ~~1971, 5-12,~~ [QUERY: Repealed. Is there another cite?] and shall make disbursements ~~upon the allowance of on~~ claims **allowed** by an executive committee acting for the participating school corporations. ~~This~~ **The** treasurer shall give bond in an amount established by the executive committee. [QUERY: Should agreement in (a) specify treasurer? companion bill]

[20-10.1-7-4] Sec. 6. ~~Sec. 4: When approved by~~ The state board of education **may approve** credit ~~shall be given in the elementary and high school grades kindergarten through grade 12~~ for educational television instruction in the same manner as other credit is given under the state rules.

[20-10.1-7-5] Sec. 7. ~~Sec. 5: Military Instruction. Each~~ **(a)** A governing body ~~which institutes may institute~~ a system of military instruction in ~~its a~~ high school **authorizing and authorize** the high school to receive arms, ammunition, and equipment from the ~~United States federal~~ government under regulations adopted by the **United States** Department of Defense.

(b) A governing body described in subsection (a) may pay the following expenses from ~~its the school corporation's~~ general fund:

(1) Freight charges on arms, ammunition, and equipment issued by the ~~national federal~~ government from the place of issue to ~~this the high school~~.

(2) Insurance charges on ~~this government~~ property **described in subdivision (1).**

(3) ~~the~~ Premiums on bonds ~~which each executed by the governing body may execute;~~ to cover the care, safekeeping, and return of ~~this government~~ property **and described in subdivision (1).**

(4) The ~~construction cost~~ of **constructing** arms racks and other facilities for the care and preservation of ~~these arms and equipment; property described in subdivision (1),~~ scaling walls, indoor targets, and other equipment ~~which~~ the governing body considers necessary.

[20-10.1-7-6] Sec. 8. ~~Sec. 6: (a) Each~~ A governing body may employ



1 suitable and competent persons as military instructors. ~~who are~~ **A**
 2 **military instructor** is entitled to compensation as ~~other instructors an~~
 3 **instructor in the a high school when: if:**

4 (1) a system of military instruction is established and ~~no a~~
 5 military instructor is **not** detailed to ~~this the~~ **high school** by the
 6 ~~national federal~~ government; or

7 (2) a system of military instruction is established with detailed
 8 military instructors, but additional instructors are necessary.

9 (b) ~~To be suitable and competent for this employment, a person~~
 10 **must hold An individual who holds** a certificate of eligibility issued
 11 by the state board of education ~~upon after~~ an examination conducted
 12 by a board of three (3) military officers, **at least one (1)** of whom **at**
 13 ~~least one (1) must be duly~~ is commissioned in the United States regular
 14 [QUERY: needed?] army, ~~When qualified to perform the duties of~~
 15 ~~each, the same person is competent and suitable as a military~~
 16 **instructor. A qualified individual** may serve as physical education
 17 director, military instructor, and teacher in ~~the a~~ **high school**.

18 (c) ~~This A high school may not institute or conduct~~ military
 19 instruction ~~may not be instituted or conducted~~ unless it is ~~under the~~
 20 ~~supervision of~~ an instructor detailed by the ~~national federal~~
 21 government or a competent and suitable **military instructor under this**
 22 **section: supervises the military instruction.**

23 [20-10.1-7-7] Sec. 9. ~~Sec. 7: Military Instruction = Non-compulsory:~~
 24 Sections ~~5 7~~ and ~~6 8~~ of this chapter do not authorize compulsory
 25 military instruction in ~~the a public schools school~~ and do not abridge
 26 the right of school authorities to make proper rules and regulations for
 27 the government of ~~its student body: the school's students.~~

28 [20-10.1-7-8] Sec. 10. ~~Sec. 8: Voluntary Religious Observance =~~
 29 ~~Authorized:~~ **A school corporation may permit a** voluntary religious
 30 observance **is permitted in each school corporation** if the school
 31 corporation follows sections ~~9; 10; and~~ **11 through 13** of this chapter
 32 and any additional procedures ~~which it that the school corporation~~
 33 adopts to ~~assure ensure~~ that the observance is voluntary.

34 [20-10.1-7-9] Sec. 11. ~~Sec. 9: Voluntary Religious Observance =~~
 35 ~~Time, Facilities, and Supervision:~~ (a) The time ~~utilized used~~ for
 36 voluntary religious observance **authorized under section 10 of this**
 37 **chapter** must be in addition to the regular school day, which ~~for these~~
 38 ~~purposes;~~ is six and one-half (6 1/2) hours, ~~exclusive of excluding~~ time
 39 for lunch.

40 (b) ~~Any A~~ religious or philosophical group ~~which that~~ does not
 41 accept ~~the voluntary~~ religious observance at ~~the a~~ school is entitled to
 42 ~~the use of school facilities during the time set for voluntary religious~~
 43 ~~observances: observance.~~

44 (c) ~~Each A~~ school corporation shall provide properly supervised
 45 facilities for recreation and study during ~~the time of the a~~ **voluntary**
 46 religious observance. ~~These The~~ supervised facilities must include ~~but~~



need not be limited to; the following:

- (1) The library, or a study room
- (2) If the school has no library, a study room.
- (3) The gymnasium or playgrounds, and the playground.
- (4) Music and art facilities.

Persons supervising these activities need not be licensed to teach them.
An individual who supervises a facility does not have to be licensed in the activity that the individual supervises.

[20-10.1-7-10] Sec. 12. Sec. 10: Voluntary Religious Observance = Prohibitions: (a) Each school corporation, superintendent, principal, teacher, clerical employee, custodial employee, and any other school employee or official shall **The following may** not cause or encourage attendance at any a voluntary religious observance: However, each school shall notify all students and their parents in writing of any voluntary religious observance and of any alternative provided under subsection 9(c) of this chapter. Any act of causing or encouraging this attendance by any of these persons is an act of insubordination, and appropriate action shall be taken:

- (1) A school corporation.
- (2) A superintendent.
- (3) A principal.
- (4) A teacher.
- (5) A clerical employee.
- (6) A custodial employee.
- (7) A school employee or official.

A person described in this subsection who causes or encourages attendance at a voluntary religious observance commits an act of insubordination, and appropriate action shall be taken against the person.

(b) Notwithstanding subsection (a), a school shall provide written notice to all students and the students' parents of a voluntary religious observance and of any alternative activities provided under section 11(c) of this chapter.

(b) Each (c) A school corporation shall ~~insure~~ ensure that: no coercion is undertaken by

- (1) students to ~~cause~~ do not coerce attendance at these observances; a voluntary religious observance; and that
- (2) no opprobrium attaches among the student body students or faculty for not participating in these observances: a voluntary religious observance.

If school authorities can not a school corporation cannot avert this the coercion or opprobrium they described in this subsection, the school corporation shall discontinue the voluntary religious observances.

[20-10.1-7-11] Sec. 13. Sec. 11: Voluntary Religious Observance = Silent Period: In each public school classroom, at the opening of each



school day the teacher in charge may or, if directed by his governing body, shall conduct a brief period of silent prayer or meditation with the participation of all students assembled. This silent prayer or meditation is not a religious service or exercise and may not be conducted as one, but is an opportunity for silent prayer or meditation on a religious theme for those so inclined or a moment of silent reflection on the anticipated activities of the day: (a) At the opening of each school day, the teacher in charge of a public school classroom may conduct a brief period of silent prayer or meditation with the participation of all students in the classroom. If the governing body of the school corporation directs the teacher to conduct a brief period of silent prayer or meditation, the teacher shall do so.

(b) A teacher may not conduct a brief period of silent prayer or meditation under this section as a religious service or exercise.

(c) A brief period of silent prayer or meditation conducted under this section is not a religious service or exercise. A brief period of silent prayer or meditation conducted under this section is:

(1) an opportunity for silent prayer or meditation on a religious theme; or

(2) a moment of silent reflection on the anticipated activities of the day.

[20-10.1-7-15] Sec. 14. ~~Sec. 15. Beginning with the 1990-91 school year,~~ The state board shall:

(1) provide school corporations with guides for teaching geography in the public schools;

(2) provide school corporations with a list of textbooks that have been adopted under ~~IC 20-10.1-9~~ **IC 20-20-5** and are available for geography instruction; and

(3) make available in-service training opportunities to teachers who teach geography.

[20-10.1-7-17] Sec. 15. ~~Sec. 17.~~ (a) A school corporation may offer classes in American Sign Language as a first or second language for hearing, deaf, and hard of hearing students.

(b) If:

(1) classes in American Sign Language are offered at the secondary level by a school corporation; and

(2) a student satisfactorily completes a class in American Sign Language as a second language;

the student is entitled to receive foreign language credit for the class.

(c) A class in American Sign Language offered under this section must be taught by a teacher licensed in Indiana and:

(1) certified by the American Sign Language Teachers Association; or

(2) holding a degree in American Sign Language.



(d) The **state** board shall establish a curriculum in American Sign Language as a first or second language.

Chapter 7. Summer School Programs

[20-10.1-7-12] Sec. 1. ~~Sec. 12: (a)~~ The **state** board may prescribe a program of summer school education for ~~the~~ public schools. The **state** board shall adopt rules under IC 4-22-2 to provide for: ~~this program~~

(1) **summer school programs**; and ~~to provide for~~

(2) the state distribution formula for any money appropriated by the general assembly for summer school education.

[20-10.1-7-12] Sec. 2. ~~(b)~~ **Each** A school corporation may conduct a program of summer school education.

[20-10.1-7-12.1] Sec. 3. ~~Sec. 12.1: (a)~~ In addition to ~~the~~ **a program** of summer school education described in section ~~12 1~~ **1** of this chapter, ~~each~~ **a** school corporation may conduct a voluntary summer school enrichment program in which educational programs ~~are offered to~~ **students** that are not offered during the regular school year ~~are offered to students~~.

[20-10.1-7-12.1] Sec. 4. ~~(b)~~ **The** An educational program ~~shall consist~~ **described in section 3 of this chapter** consists of one-half (1/2) day sessions in which students may:

(1) receive remediation on a voluntary basis;

(2) develop further in areas ~~first~~ covered during the school year; or

(3) experience specific educational programs that are not regularly provided as part of the established curriculum during the school year.

~~(c)~~ **The** board shall adopt rules under IC 4-22-2 to implement this section; including rules governing the distribution of state funds for this purpose.

[20-10.1-7-12.5] Sec. 5. ~~Sec. 12.5: (a)~~ A school corporation may enter into an agreement with:

(1) another school corporation;

(2) an accredited nonpublic school; or

(3) entities described in ~~both~~ subdivisions (1) and (2);

to offer a joint summer school program for high school students. ~~under this section~~.

[20-10.1-7-12.5] Sec. 6. ~~(b)~~ An agreement under **section 5** of this ~~section~~ **chapter** must:

(1) designate one (1) participating school corporation as the local education agency for the joint educational program; and

(2) specify ~~how~~ the **allocation** of costs of the joint summer school program, including **teacher** compensation, ~~for teachers~~, ~~will be allocated~~ among the parties to the agreement.

[20-10.1-7-12.5] Sec. 7. ~~(c)~~ The parties to an agreement under ~~subsection (a)~~ **section 5 of this chapter** may provide educational programs:



(1) that are not regularly provided as part of the established curriculum during the school year; and

(2) for which a student who successfully completes a program may receive high school and college credit under an articulation agreement or dual credit provision under ~~IC 20-10.1-4.4-9~~, **IC 20-32-3-9**, IC 20-12-1-9, or IC 20-12-17.1.

[20-10.1-7-12.5] Sec. 8. ~~(d)~~ Except as provided in ~~subsection (c)~~, **section 9 of this chapter**, an instructor for an educational program described in ~~subsection (c)~~ **section 7 of this chapter** must be:

(1) licensed under ~~IC 20-6-1~~, **IC 20-28**; or

(2) granted a substitute teacher's license by the professional standards board.

[20-10.1-7-12.5] Sec. 9. ~~(c)~~ If the ~~school~~ superintendent of the school corporation that is the local education agency determines that: ~~there:~~

(1) ~~is not~~ a qualified licensed teacher ~~is not~~ available from the entities entering into an agreement under ~~subsection (a)~~; **section 5 of this chapter**; and

(2) ~~is~~ a qualified postsecondary instructor ~~is~~ available; to instruct in an educational program described ~~under subsection (c)~~, **in section 7 of this chapter**, the superintendent may request the professional standards board to issue a substitute teacher's license to the instructor of an educational program described in ~~subsection (c)~~, **section 7 of this chapter**.

[20-10.1-7-12.5] Sec. 10. ~~(f)~~ If the professional standards board finds that ~~there is not~~ a qualified licensed teacher ~~is not~~ available from the entities entering into an agreement under ~~subsection (a)~~ **section 5 of this chapter** to instruct in an educational program described ~~under subsection (c)~~, **in section 7 of this chapter**, the professional standards board may issue a substitute teacher's license to the instructor of an educational program described in ~~subsection (c)~~, **section 7 of this chapter**.

[20-10.1-7-12.5] Sec. 11. ~~(g)~~ An instructor for an educational program described ~~under subsection (c)~~ **in section 7 of this chapter** must be compensated at the same rate as ~~that the rate~~ determined for a teacher under ~~IC 20-6-1-4-8~~ **IC 20-28-6-7** and the local education agency's contract with certificated employees.

~~(h)~~ The board shall adopt rules under ~~IC 4-22-2~~ to govern the distribution of state funds for purposes of this section:

[20-10.1-7-13] Sec. 12. ~~Sec. 13:~~ If the money appropriated in ~~any a~~ fiscal year by the general assembly for summer school education is insufficient to fund the state summer school distribution formula provided in the rules adopted by the state board, ~~of education~~, the ~~state~~ budget agency may transfer a sufficient amount of money from any excess in the state appropriation for tuition support for ~~that the~~ fiscal year to fund the state summer school distribution formula. Before the



state budget agency makes the transfer, ~~it the budget agency~~ shall refer the matter to the ~~state~~ budget committee for ~~its the committee's~~ advisory recommendation.

Chapter 8. Alternative Program for Certain Students

[20-10.1-4.6-1] Sec. 1. As used in this chapter, "alternative education program" refers to an alternative school or educational program that is described in section ~~4~~ **6** of this chapter. The term includes:

(1) an alternative education program described in section ~~3(a)(1)~~ **5(a)(1)** of this chapter; or

(2) an area alternative education program described in section ~~3(a)(2)~~ **5(a)(2)** of this chapter.

[20-10.1-4.6-1.6] Sec. 2. ~~Sec. 1.6:~~ As used in this chapter, "disruptive student" means an eligible student who has a documented record of frequent disruptions of the traditional school learning environment despite repeated attempts by the school corporation to modify the student's behavior in conformity with a progressive disciplinary program approved by the department.

[20-10.1-4.6-2] Sec. 3. ~~Sec. 2:~~ As used in this chapter, "eligible student" refers to a student who qualifies as an eligible student under section ~~6-3~~ **9** of this chapter.

[20-10.1-4.6-2.7] Sec. 4. ~~Sec. 2.7:~~ As used in this chapter, "program organizer" means the following:

(1) The governing body of a school corporation that establishes an alternative education program described in section ~~3(a)(1)~~ **5(a)(1)** of this chapter.

(2) The governing bodies of each of the school corporations that:

- (A) participate in an area alternative education program described in section ~~3(a)(2)~~ **5(a)(2)** of this chapter; and
- (B) take an official action under this chapter by adopting substantially identical resolutions.

(3) The governing body or administrative body of an area alternative education program described in section ~~3(a)(2)~~ **5(a)(2)** of this chapter.

[20-10.1-4.6-3] Sec. 5. ~~Sec. 3:~~ (a) The governing body may elect to:

- (1) establish an alternative program on its own; or
- (2) participate in an area alternative program through a joint program under ~~IC 20-5-11~~ **IC 20-26-10-11**.

(b) An alternative program is not required to be located at a site that is different than the site at which the traditional school instruction is offered.

[20-10.1-4.6-4] Sec. 6. ~~Sec. 4:~~ To qualify as an alternative education program, the program must:

- (1) be an educational program for eligible students that instructs the eligible students in a different manner than the manner of instruction available in a traditional school setting; and



(2) comply with the rules that are adopted under IC 4-22-2 by the **state** board to govern:

- (A) alternative education programs; and
- (B) admission of eligible students to alternative education programs.

[20-10.1-4.6-5] Sec. 7. ~~Sec. 5:~~ The program organizer may request the approval from the department for the following:

- (1) To receive the grant for alternative education programs under IC 21-3-11.
- (2) To be granted waivers from rules adopted by the state board that may otherwise interfere with the objectives of the alternative education program, including waivers of:
 - (A) certain high school graduation requirements;
 - (B) the length of the student instructional day as set forth in ~~IC 20-10.1-2-1(b)~~; **IC 20-30-2-1**;
 - (C) required curriculum and textbooks;
 - (D) teacher certification requirements; and
 - (E) physical facility requirements.

[20-10.1-4.6-6] Sec. 8. ~~Sec. 6:~~ (a) Before a program organizer is eligible for the funding **under IC 21-3-11**, a program organizer must have the grant for the program approved by both:

- (1) the department; and
- (2) the budget agency after review by the budget committee.

(b) A school corporation may initiate the program and waiver approval process under ~~section 5~~ **section 7** of this chapter and the grant approval process under this section by submitting an application for the proposed alternative education program, on forms developed by the department, to the department. The application must include the following information:

- (1) The number of eligible students expected to participate in the alternative education program.
- (2) A description of the proposed alternative education program, including a description of the nature of the alternative education program curriculum.
- (3) The extent to which the manner of instruction at the alternative education program differs from the manner of instruction available in the traditional school setting.
- (4) A description of specific progressive disciplinary procedures that:
 - (A) are reasonably designed to modify disruptive behavior in the traditional school learning environment without necessitating admission to an alternative education program; and
 - (B) will be used before admitting a disruptive student into an alternative education program.
- (5) Any other pertinent information required by the department.



(c) The term of a grant may not exceed one (1) school year. If a school corporation fails to conduct an alternative education program in conformity with:

- (1) this chapter;
- (2) the rules adopted by the state board; ~~of education~~; or
- (3) the terms of the approved grant;

the department or the budget agency, after review by the budget committee, may terminate funding for the alternative education program before the grant expires.

[20-10.1-4.6-6.3] Sec. 9. ~~Sec. 6-3~~. (a) To qualify as an eligible student, a student must:

- (1) be enrolled in or be eligible to be admitted to ~~grade~~ **grades** 6 through 12;
- (2) meet at least one (1) of the criteria described in ~~section 6-5~~ **section 10** of this chapter;
- (3) have a written individual service plan prepared under ~~section 6-7~~ **section 11** of this chapter; and
- (4) be likely to benefit:
 - (A) academically; ~~or~~
 - (B) behaviorally; or
 - (C) both **academically and behaviorally**;

from participation in an alternative education program, as jointly determined by the student's teacher or teachers and principal or principal's designee, **and** in consultation with the student's parent or guardian [QUERY: Strike "guardian"?].

(b) The governing body of the school corporation shall review the determinations made by the school corporation to place and retain students in an alternative education program in order to ensure that the students in the alternative education program meet the criteria for the program.

[20-10.1-4.6-6.5] Sec. 10. ~~Sec. 6-5~~. (a) A student placed in an alternative education program must meet at least one (1) of the following criteria:

- (1) The student intends to withdraw or has withdrawn from school before graduation.
- (2) The student has been identified as a student who:
 - (A) has failed to comply academically; and
 - (B) would benefit from instruction offered in a manner different from the manner of instruction available in a traditional school.
- (3) The student is a parent or an expectant parent and is unable to regularly attend the traditional school program.
- (4) The student is employed and the employment:
 - (A) is necessary for the support of the student or the student's immediate family; and
 - (B) interferes with a part of the student's instructional day.



(5) The student is a disruptive student. ~~(as defined in section 1-6 of this chapter):~~

[20-10.1-4.6-6.7] Sec. 11. ~~Sec. 6-7:~~ (a) Before placing a student in an alternative education program, the school corporation in which the student is enrolled shall prepare an individual service plan for the student's placement.

(b) The individual service plan for a student ~~shall~~ **must** be reviewed and revised:

(1) as needed; ~~and However, the individual service plan must be reviewed and revised~~

(2) at least annually.

(c) The initial plan and each revised plan ~~shall~~ **must** be jointly prepared by the student's:

(1) teacher or teachers; and

(2) principal or ~~the~~ principal's designee.

If a student is enrolled in an alternative education program when an individual service plan is revised, the principal and teacher for the alternative education program may prepare the revised plan. If a student is enrolled in the classes of more than one (1) teacher, a teacher who is designated by the school corporation as the student's principal advisor shall prepare the individual service plan.

(d) The individual service plan for a student must be in writing. In the plan, the student's teacher or teachers and principal or principal's designee must ~~indicate that they~~ jointly agree that the student is likely to academically benefit from participation in an alternative education program. The plan must ~~also~~ include a description of at least the following:

(1) Educational goals appropriate for the student.

(2) Behavioral goals appropriate for the student.

(3) An alternative education program that is appropriate for the student.

(4) Services required by the student and the student's immediate family to meet the educational goals and behavioral goals specified in the individual service plan.

[20-10.1-4.6-7] Sec. 12. ~~Sec. 7:~~ A student who:

(1) is designated as an eligible student or assigned to participate in a particular alternative education program; and

(2) disagrees with the designation or assignment described in subdivision (1);

is entitled to appeal the designation to the governing body for the school corporation in which the student is enrolled.

[20-10.1-4.6-8] Sec. 13. ~~Sec. 8:~~ (a) The department shall encourage school corporations to assess the need in the school corporation for an alternative education program or an area alternative education program.

(b) Upon request of a school corporation, the department shall assist the school corporation in establishing an alternative education program.



1 [20-10.1-4.6-9] Sec. 14. ~~Sec. 9:~~ The state board shall adopt rules
2 under IC 4-22-2 to implement this chapter.

3 **Chapter 9. Bilingual and Bicultural Instruction**

4 [20-10.1-5.5-1] Sec. 1. As used in this chapter, "bilingual-bicultural
5 instruction" means the use of written and spoken English and a
6 non-English language to teach students. It includes instruction in the
7 history and culture of both the United States and the homeland of the
8 non-English language. [See QUERY in Sec. 5.]

9 [20-10.1-5.5-1] Sec. 2. **As used in this chapter,**
10 "bilingual-bicultural program" means a course of bilingual-bicultural
11 instruction for non-English dominant students, designed to meet the
12 students' language skill needs as soon as possible.

13 [20-10.1-5.5-1] Sec. 3. **As used in this chapter,** "division" means
14 the division of migrant bilingual-bicultural education of the
15 department. ~~of education.~~

16 [20-10.1-5.5-1] Sec. 4. **As used in this chapter,** "non-English
17 dominant students" means ~~children~~ **students** who have difficulty
18 performing in classes conducted solely in English because:

- 19 (1) ~~their~~ **the students'** native tongue is not English;
20 (2) the language most often spoken by the students is not English;
21 or
22 (3) the language most often spoken in the students' homes is not
23 English.

24 **"Parent"** means the parent, guardian, or custodian of any student.

25 [20-10.1-5.5-1] Sec. 5. **As used in this chapter,** "teacher of
26 bilingual-bicultural instruction" [QUERY: Shouldn't this be changed
27 to bilingual-bicultural teacher"? "Teacher of instruction" is circular or
28 redundant.] means a teacher proficient in both English and a
29 non-English language, certified to teach a subject, including the history
30 and culture of both the United States and the homeland of the
31 non-English language. [QUERY: Is the teacher required to be certified
32 in the history and culture of the U.S. & the homeland, **or** is the history
33 & culture one of many subjects in which the teacher may be certified,
34 **or**, does the language concerning history & culture somehow refer back
35 to "bilingual-bicultural instruction"] [NOTE: Suggest getting rid of this
36 definition, because the term is used only here and in Sec. 11(a)(1).]

37 [20-10.1-5.5-1.5] Sec. 6. ~~Sec. 1-5:~~ It is the policy of the state to
38 provide bilingual-bicultural programs for ~~all~~ qualified students enrolled
39 in Indiana public schools through the establishment of the programs by
40 school corporations. The state recognizes the need for and the
41 desirability of the programs to:

- 42 (1) aid students to reach their full academic level of achievement;
43 and
44 (2) preserve an awareness of cultural and linguistic heritage.

45 [20-10.1-5.5-2] Sec. 7. ~~Sec. 2: (a)~~ The **state** superintendent of ~~public~~
46 ~~instruction~~ shall carry out a bilingual-bicultural program for the



improvement of educational opportunities for non-English dominant ~~children~~ **students** by **doing the following:**

(1) Supporting and planning pilot and demonstration projects ~~which that~~ are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for non-English dominant ~~children~~ **students.**

(2) Assisting in the establishment and operation of programs ~~which that~~ are designed to stimulate:

(A) the provision of educational services not available to non-English dominant ~~children~~ **students** in sufficient quantity or quality; and

(B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant ~~children~~ **students** are educated.

(3) Assisting in the establishment and operation of pre-service and in-service training programs for persons serving non-English dominant ~~children~~ **students** as educational personnel.

(4) Encouraging the dissemination of information and materials relating to and the evaluation of the effectiveness of education programs ~~which that~~ may offer educational opportunities to non-English dominant ~~children~~. **In the case of students. For activities of the type described above, in this section, preference shall be given to the training of non-English dominant ~~children~~, **students**, including innovative programs related to the educational needs of the non-English dominant ~~children~~. **students.****

[20-10.1-5.5-2] Sec. 8. ~~(b)~~ The **state** superintendent ~~of public instruction~~ is ~~also authorized to~~ **may** assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant ~~children~~. **These students.** Funds may be used **for the following:**

(1) To provide educational services not available to ~~such children~~ **the non-English dominant students** in sufficient quantity or quality, including:

(A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant ~~children~~ **students** to enter, remain in, or reenter elementary or secondary school;

(B) comprehensive academic and vocational instruction;

(C) instructional materials (such as library books, textbooks, and other printed or published or audio-visual materials) and equipment;

(D) comprehensive guidance, counseling, and testing services;

(E) special education programs for ~~persons~~ **students** with disabilities;



(F) preschool programs; and

(G) other services ~~which~~ **that** meet the purposes of this subsection.

(2) For the establishment and operation of exemplary and innovative educational programs and resource centers ~~involving~~ **that involve** new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for non-English dominant ~~children~~ **students**.

[20-10.1-5.5-3] Sec. 9. ~~Sec. 3:~~ **(a)** Students whose dominant language is English shall be allowed to participate in the bilingual-bicultural program unless their participation will hinder the progress of the non-English dominant ~~children~~ **students**.

~~Children~~ **(b) Students** enrolled in a program of bilingual-bicultural education shall, if graded classes are used, be placed, to the extent practicable, in classes with ~~children~~ **students** of approximately the same age and level of educational attainment, as determined after considering ~~such~~ **the** attainment through the use of all necessary languages.

(c) If ~~children~~ **students** of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual-bicultural education ~~shall~~ **must** seek to ~~insure~~ **ensure** that each ~~child~~ **student** is provided with instruction ~~which~~ **is** appropriate for ~~his or her~~ **the student's** level of educational attainment. The ultimate objective ~~shall be~~ **is** to place the bilingual-bicultural student [QUERY: All students can be in the bilingual-bicultural program. Should this be non-English dominant student?] in the regular course of study.

[20-10.1-5.5-4] Sec. 10. ~~Sec. 4:~~ **(a)** Before placing a student in a bilingual-bicultural program, the governing body of the school corporation in which the student resides shall notify the student's parent of the placement.

(b) The notice ~~shall~~ **required in subsection (a) must** be in English and the appropriate non-English language. The notice ~~shall~~ **must** state the purposes, methods, and content of the program and ~~shall~~ **must** inform the parent of ~~his~~ **the parent's** right to:

(1) visit the program; and

(2) ~~where~~ **if** the student is less than eighteen (18) years old, refuse ~~his child's~~ **the student's** placement or withdraw the ~~child~~ **student** from the program.

[20-10.1-5.5-5] Sec. 11. ~~Sec. 5:~~ **(a)** Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local advisory committee composed of:

(1) teachers of bilingual-bicultural instruction; [See NOTE at Sec. 5.]

(2) counselors;

(3) community members; and

(4) parents of students enrolled or eligible for enrollment in the



1 bilingual-bicultural program.

2 A majority of the committee members ~~shall~~ **must** be parents of students
3 enrolled or eligible for enrollment in the bilingual-bicultural program.

4 **(b)** Before July 1 of each year, the governing body of each school
5 corporation operating a bilingual-bicultural program shall select at least
6 one (1) representative from each local advisory committee to serve on
7 a corporation advisory committee. A majority of the committee
8 members ~~shall~~ **must** be parents of students enrolled or eligible for
9 enrollment in the program.

10 ~~**(c) Members**~~ **A member** of ~~the~~ a local and corporation advisory
11 ~~committees hold their positions~~ **committee holds the position** for one
12 (1) year. ~~periods.~~

13 ~~**(b)**~~ **(d)** The local and corporation advisory committees shall
14 participate in planning, implementing, and evaluating the
15 bilingual-bicultural programs. All bilingual-bicultural programs must
16 be approved by the appropriate local advisory committee before
17 implementation. If the advisory committee refuses to approve a
18 program, the division shall arbitrate the dispute.

19 ~~**(c)**~~ **(e)** All school corporations wishing to implement a
20 bilingual-bicultural program shall apply to the **state** superintendent. ~~of~~
21 ~~public instruction for such programs.~~

22 ~~**(d)**~~ **(f)** All bilingual-bicultural programs must be approved by the
23 state board ~~of education in order~~ to qualify for the distribution of state
24 funds to school corporations for ~~these~~ **the bilingual-bicultural**
25 **programs.**

26 [20-10.1-5.5-6] Sec. 12. ~~Sec. 6:~~ School corporations may establish
27 ~~full~~ **full-time** or part-time summer or preschool bilingual-bicultural
28 courses. ~~but they~~ **However, the courses** are not substitutes for
29 bilingual-bicultural programs required during the normal school year.

30 [20-10.1-5.5-7] Sec. 13. ~~Sec. 7:~~ The division:

31 (1) shall aid school corporations in developing
32 bilingual-bicultural programs by:

33 **(A)** evaluating instructional materials;

34 **(B)** compiling material on the theory and practice of
35 bilingual-bicultural instruction;

36 **(C)** encouraging innovative programs; and

37 **(D)** otherwise providing technical assistance to the
38 corporations;

39 (2) shall aid school corporations in developing and administering
40 in-service training programs for school administrators and
41 personnel involved in bilingual-bicultural programs;

42 (3) shall monitor and evaluate bilingual-bicultural programs
43 conducted by school corporations;

44 (4) shall make an annual report on the status of the
45 bilingual-bicultural programs to the governor and the general
46 assembly;



(5) shall establish bilingual-bicultural educational resource centers for the use of the school corporations; and

(6) may ~~promulgate regulations~~ **establish guidelines** to implement this chapter.

A report made under subdivision (4) to the general assembly must be in an electronic format under IC 5-14-6.

[20-10.1-5.5-8] Sec. 14. ~~Sec. 8:~~ **(a)** Each school corporation must ~~make application~~ **apply** to the division to receive funds under this chapter. The division director shall determine on a competitive basis which bilingual-bicultural programs are to receive the funds under this chapter. The criteria **for determining the distribution of funds are as follows:**

(1) The extent to which the educational needs identified and addressed in the application for funds are for **bilingual-bicultural** programs ~~for in~~ areas having the greatest need in ~~the state.~~ **Indiana.**

(2) The extent to which educational needs are clearly identified and realistic objectives are carefully planned to meet ~~them:~~ **the objectives.**

(3) The extent to which the application sets forth quantifiable measurement of the success of the proposed **bilingual-bicultural** program in providing ~~children~~ **students** who **do not** speak a ~~non-English~~ **English as a** dominant language with language skills necessary for ~~their~~ **the students'** education.

(4) The extent to which the application contains evidence that:

(A) the costs of **bilingual-bicultural** program components are reasonable in relation to the expected benefits; ~~and~~

(B) the proposed **bilingual-bicultural** program will be coordinated with existing efforts; and

(C) all possible efforts are being made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed **bilingual-bicultural** program.

(5) The extent to which the application indicates that the personnel to be employed in the **bilingual-bicultural** program possess qualifications relevant to the objectives of the **bilingual-bicultural** program.

(b) The division director may not award ~~in excess of more than~~ three hundred dollars (\$300) per ~~pupil~~ **student** under this chapter.

[20-10.1-5.5-9] Sec. 15. ~~Sec. 9:~~ The bilingual-bicultural program of a school corporation may be funded for a minimum of five (5) years under this chapter. [QUERY: It's unclear what this means. Does it mean that if the state provides funding, it must do so for at least 5 years? Does it mean that if a school corporation runs a program, it must fund it for at least 5 years?]

Chapter 10. College Preparation Curriculum

[20-10.1-5.7-1] Sec. 1. The department shall develop and



recommend to the state board for adoption the Core 40 college preparation curriculum models.

[20-10.1-5.7-2] Sec. 2. (a) ~~By July 1, 1994,~~ The state board shall adopt the following:

(1) College/technology preparation curriculum models that may include all or part of the following:

(A) The college preparation curriculum models developed by the department under section 1 of this chapter.

(B) The technology preparation curriculum models developed by the technology preparation task force under ~~IC 20-10.1-5-6.~~

IC 20-30-12-1.

(2) Teacher and staff training to implement the college/technology preparation curriculum models.

(b) The college/technology preparation curriculum models that the state board adopts under subsection (a) must meet the conditions listed in:

(1) section 3 of this chapter; and

(2) ~~IC 20-10.1-5-6-1(c).~~ **IC 20-20-10-3.**

[20-10.1-5.7-3] Sec. 3. The college preparation curriculum models must meet the following conditions:

(1) Be performance based.

(2) Allow for dual credit, advanced study, and cooperative agreements.

(3) ~~Upon the satisfactory fulfillment of the curriculum:~~ **Provide a student with:**

(A) ~~provide a student with~~ the subject and skill areas required by a state educational institution (as defined in IC 20-12-0.5-1) to gain admittance into the respective state educational institution; and

(B) ~~provide a student with the~~ skills necessary to gain employment upon the student's completion of formal education;

upon the satisfactory fulfillment of the curriculum.

(4) Relate to a broad scope of subject areas and include all of the subject areas ~~that are~~ required to be taught under Indiana law.

(5) Be designed to satisfy the graduation requirements established by the state board.

Chapter 11. The Postsecondary Enrollment Program

[20-10.1-15-1] Sec. 1. As used in this chapter, "eligible institution" means an accredited public or private college or university located in Indiana that grants a baccalaureate or associate degree.

[20-10.1-15-2] Sec. 2. As used in this chapter, "program" refers to the postsecondary enrollment program established under this chapter.

[20-10.1-15-3] Sec. 3. As used in this chapter, "secondary credit" means credit toward graduation requirements granted by a student's school corporation upon the successful completion of a course taken



under the program.

[20-10.1-15-4] Sec. 4. (a) The postsecondary enrollment program is established for secondary school students in grades 11 and 12.

(b) A student may, upon approval of ~~that the~~ student's school corporation, enroll in courses offered by an eligible institution under the program on a full-time or part-time basis during grade 11 ~~or~~ grade 12, or both.

(c) If ~~a school corporation has approved~~ a course ~~has been approved offered by an eligible institution for~~ secondary credit, ~~by the school corporation~~, a student is entitled to credit toward graduation requirements for each course the student successfully completes at ~~that the eligible~~ institution.

[20-10.1-15-5] Sec. 5. Before February 1 each year, ~~the each~~ school corporation shall provide each student in grades 10 and 11 with information concerning the program.

[20-10.1-15-6] Sec. 6. Each student who intends to enroll in an eligible institution under the program shall notify the principal of the school in which the student is enrolled.

[20-10.1-15-7] Sec. 7. (a) A representative of the school corporation shall meet with each student who intends to participate in the program and discuss the following:

- (1) The student's eligibility to participate in the program.
- (2) The courses in which the student is authorized to enroll.
- (3) The postsecondary credit the student earns upon successful completion of a course.
- (4) The consequences of a student's failure to successfully complete a course.
- (5) The student's schedule.
- (6) The financial obligations of the student and the school under the program.
- (7) The responsibilities of the student, the student's parent or guardian, and the school under the program.
- (8) Other matters concerning the program.

(b) The representative of the school corporation shall make a recommendation to the principal concerning the student's participation in the program.

(c) ~~The principal shall make a determination~~, Based on the recommendation received under subsection (b), ~~concerning the principal shall determine:~~

- (1) the student's eligibility to participate in the program; and
- (2) the courses approved for secondary credit.

(d) The principal shall notify the student and the superintendent, ~~of the school corporation~~, in writing, of the determination under subsection (c). If the principal determines that:

- (1) the student is not eligible to participate in the program; or
- (2) a course in which the student intends to enroll is not approved



1 for secondary credit;
2 the principal must state, in writing, the reasons for that determination.

3 [20-10.1-15-8] Sec. 8. The governing body of each school
4 corporation shall adopt policies to implement the program, based on
5 guidelines established by the department. ~~of education.~~

6 [20-10.1-15-9] Sec. 9. (a) If a student disputes a determination made
7 by ~~the a~~ principal under section 7(c) of this chapter, the student may
8 appeal the determination to the governing body by submitting to the
9 governing body, in writing, the reasons the student objects to the
10 determination. The governing body shall review ~~a the~~ determination
11 ~~made under section 7(c) of this chapter~~ and render a decision
12 concerning ~~that the~~ determination. The governing body shall notify the
13 student and the principal, in writing, of ~~its the~~ decision.

14 (b) If the student or the principal disputes the decision of the
15 governing body under subsection (a), ~~that individual the student or~~
16 ~~principal~~ may appeal to the state board. ~~of education.~~ The decision of
17 the state board ~~of education~~ is final.

18 [20-10.1-15-10] Sec. 10. (a) A student who is approved for
19 participation in the program may apply for enrollment to an eligible
20 institution. The **eligible** institution shall accept or reject the student
21 based on the standards ordinarily used to decide student enrollments.
22 However, a student who is approved for participation in the program
23 by the student's school corporation may not be refused admission solely
24 because the student has not graduated from a secondary school.

25 (b) The eligible institution shall promptly inform the:

- 26 (1) student;
- 27 (2) student's principal; and
- 28 (3) department; ~~of education;~~

29 of ~~its the~~ decision under subsection (a).

30 (c) Upon demonstration of financial need, an eligible institution may
31 grant financial assistance to a student accepted for admission to ~~that~~
32 **the eligible** institution.

33 [20-10.1-15-11] Sec. 11. A student who participates in the program
34 ~~shall be~~ is considered a student enrolled in the school corporation ~~in~~
35 **for purposes of** computing average daily membership. ~~(as defined in~~
36 ~~IC 21-3-1.6-1.1(d)).~~

37 [20-10.1-15-12] Sec. 12. A school corporation shall grant secondary
38 credit for a course successfully completed by a student at an eligible
39 institution if the **school corporation approved the** course ~~was~~
40 ~~approved~~ for secondary credit. ~~by the school corporation.~~ The student's
41 school records must reflect that ~~these the~~ **secondary** credits were
42 earned at an eligible institution.

43 [20-10.1-15-13] Sec. 13. If a student enrolls in an eligible institution
44 after graduation from secondary school, the **eligible** institution shall
45 award postsecondary credit for a course successfully completed by the
46 student at the **eligible** institution. If the student enrolls in another



1 eligible institution, that **eligible** institution may grant credit for courses
2 successfully completed by the student.

3 [20-10.1-15-14] Sec. 14. At the end of each school year, each school
4 corporation shall submit to the department ~~of education~~ the following:

5 (1) A list of the students in the school corporation who are
6 enrolled in the program.

7 (2) A list of the courses successfully completed by each student
8 who is enrolled in the program.

9 [20-10.1-15-15] Sec. 15. (a) Each school corporation shall make and
10 maintain records for each student enrolled in the program of the
11 following:

12 (1) The courses and credit hours in which the student enrolls.

13 (2) The courses that the student successfully completes and fails
14 to complete.

15 (3) The secondary credit granted to the student.

16 (4) Other information requested by the department. ~~of education.~~

17 (b) The department ~~of education~~ is entitled to have access to the
18 records made and maintained under subsection (a).

19 [20-10.1-15-16] Sec. 16. (a) The postsecondary enrollment program
20 fund is established to provide financial assistance to students
21 participating in the program. The department ~~of education~~ shall
22 administer the fund.

23 (b) The fund consists of:

24 (1) appropriations made to the fund by the general assembly; and

25 (2) gifts to the fund.

26 (c) The treasurer of state shall invest the money in the fund not
27 currently needed to meet the obligations of the fund in the same
28 manner as other public funds may be invested. Interest that accrues
29 from these investments ~~shall~~ **must** be deposited in the fund.

30 (d) Money in the fund at the end of a fiscal year does not revert to
31 the state general fund. If ~~however~~, the fund is abolished, money in the
32 fund ~~shall~~ **must** be deposited in the state general fund.

33 [20-10.1-15-17] Sec. 17. (a) The department ~~of education~~ shall:

34 (1) establish guidelines to carry out this chapter;

35 (2) evaluate the program annually and report to the ~~Indiana~~ state
36 board ~~of education~~ concerning the program; and

37 (3) adopt procedures for the award of grants from the
38 postsecondary enrollment program fund established under section
39 16 of this chapter.

40 (b) The guidelines established under subsection (a)(1) must
41 encourage participation by students at all achievement levels and in a
42 variety of academic and vocational subjects.

43 [20-10.1-15-18] Sec. 18. The state board ~~of education~~ shall adopt
44 rules under IC 4-22-2 ~~necessary~~ to carry out this chapter.

45 [20-10.1-15-19] Sec. 19. This chapter does not prohibit:

46 (1) a student from enrolling in or attending an education program



when ~~that the~~ student is not required to be in attendance at the student's school corporation;

(2) a school corporation from:

(A) providing a supplemental postsecondary education program to its students; and

(B) permitting a student to attend an education program during the regular school day or regular school year; or

(3) an eligible institution from permitting a student of a school corporation to enroll in or attend a course offered or sponsored by ~~that the~~ eligible institution.

Chapter 12. Technology Preparation Curriculum

[20-10.1-5.6-2] Sec. 1. ~~Sec. 2: (a) By the 1990-91 school year, the department shall establish a schedule for school corporations to make fully available the technology preparation curriculum. By the 1991-92 school year, the state board of education shall establish a technology preparation curriculum to be phased in and made fully available to all high school students by the 1994-95 school year in accordance with the schedule and subsection (b).~~

(b) ~~During the 1992-93 school year, the department shall designate one-third (1/3) of the school corporations to make available a technology preparation curriculum to high school students. During the 1993-94 school year, the department shall designate an additional one-third (1/3) of the school corporations to make available a technology preparation curriculum to the school corporation's high school students. Beginning with the 1994-95 school year, The department shall require all school corporations to make available to the school corporation's high school students the technology preparation curriculum developed under IC 20-20-10.~~

[20-10.1-5.6-2] Sec. 2. ~~(c) The state board shall implement teacher and staff training beginning with the 1990-91 school year. for the technology preparation curriculum.~~

(d) ~~This chapter does not eliminate the approved industrial arts/technology education curriculum adopted by the board by rule in effect on July 1, 1990.~~

[20-10.1-5.6-3] Sec. 3. Expenditure for equipment necessary to implement this chapter by a school corporation may be paid: ~~for:~~

(1) through technology loans from the common school fund; or

(2) from the school corporation's capital projects fund.

[20-10.1-5.6-4] Sec. 4. The state board ~~of education~~ shall adopt rules under IC 4-22-2 to implement this chapter.

Chapter 13. Motorcycle Operator Safety Education

[20-10.1-7-14] Sec. 1. ~~Sec. 14: (a) As used in this section, chapter,~~ "certified chief instructor" means a licensed motorcycle operator who meets standards established by the department that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.



1 "Department" refers to the department of education.

2 "Director" refers to the superintendent of the department of public
3 instruction.

4 [20-10.1-7-14] Sec. 2. **As used in this chapter**, "fund" refers to the
5 motorcycle operator safety education fund created under ~~subsection (f)~~.
6 **section 11 of this chapter**.

7 [20-10.1-7-14] Sec. 3. **As used in this chapter**, "program" means
8 the motorcycle operator safety education program.

9 [20-10.1-7-14] Sec. 4. **As used in this section**, "program
10 coordinator" refers to the coordinator of the motorcycle operator safety
11 education program.

12 [20-10.1-7-14] Sec. 5. **As used in this chapter**, "training course"
13 means an approved motorcycle ~~rider operator~~ education course that
14 meets standards established by the department that are equivalent to or
15 more stringent than those established by the Motorcycle Safety
16 Foundation for courses of instruction in motorcycle safety and
17 education.

18 [20-10.1-7-14] Sec. 6. **As used in this chapter**, "training specialist"
19 means the training specialist of the motorcycle operator safety
20 education program.

21 [20-10.1-7-14] Sec. 7. ~~(b)~~ The department shall develop and
22 administer a **motorcycle operator safety education** program that, ~~as~~
23 **at** a minimum, must:

- 24 (1) provide motorcycle ~~rider operator~~ education;
- 25 (2) provide instructor training;
- 26 (3) increase public awareness of motorcycle safety; and
- 27 (4) evaluate and recommend improvements to the motorcycle
28 ~~rider operator~~ licensing system.

29 [20-10.1-7-14] Sec. 8. ~~(c)~~ The ~~director state superintendent~~ shall
30 appoint:

- 31 (1) a program coordinator who shall administer the program and
32 conduct an annual evaluation; and
- 33 (2) a training specialist who shall:
 - 34 (A) establish training courses throughout ~~the state~~; **Indiana**;
 - 35 (B) set program and funding guidelines; and
 - 36 (C) supervise instructors and other personnel as necessary.

37 The training specialist must be a certified chief instructor and hold a
38 valid license to operate a motorcycle.

39 [20-10.1-7-14] Sec. 9. ~~(d)~~ The department may enter into contracts
40 with regional training centers or any other sites approved by the
41 ~~director state superintendent~~ for the conduct of motorcycle operator
42 safety education courses. If necessary, course sites may charge a
43 reasonable tuition fee for the courses.

44 [20-10.1-7-14] Sec. 10. ~~(e)~~ The ~~director state superintendent~~ shall
45 appoint a five (5) member advisory committee consisting of at least
46 three (3) active motorcyclists to serve in an advisory capacity to the



1 program.

2 [20-10.1-7-14] Sec. 11. ~~(f)~~ The motorcycle operator safety education
3 fund is established. The fund consists of money received from
4 motorcycle registrations as provided under IC 9-29. The money in the
5 fund is appropriated to the department for the administration of the
6 program and expenses related to the program, including:

- 7 (1) reimbursement for course sites;
- 8 (2) instructor training;
- 9 (3) purchase of equipment and course materials; and
- 10 (4) technical assistance.

11 **Chapter 14. Community or Volunteer Service Program**

12 [20-10.1-7-16] Sec. 1. ~~Sec. 16. (a)~~ Each school corporation may
13 encourage the development of a community service ethic among high
14 school students in grade 11 or 12 in the school corporation by offering
15 each grade 11 or ~~grade~~ 12 student:

- 16 (1) as part of the corporation's elective curriculum;
- 17 (2) in compliance with rules adopted by the **state** board under
18 ~~subsection (i);~~ **section 9 of this chapter;** and
- 19 (3) upon completion by the student of approved community
20 service or other volunteer service;

21 the opportunity for the student to earn academic credit toward the
22 student's minimum graduation requirements.

23 [20-10.1-7-16] Sec. 2. ~~(b)~~ For each student who wishes to earn
24 academic credit for community service or volunteer service under this
25 ~~section;~~ **chapter**, the student, a teacher of the student, or a community
26 or volunteer service organization ~~shall~~ **must** submit an application that
27 includes the following information to the principal or the principal's
28 designee of the high school in which the student is enrolled:

- 29 (1) The name of the community service organization or volunteer
30 service organization the student intends to assist.
- 31 (2) The name, address, and telephone number of the director or
32 the supervisor of the community service organization or volunteer
33 service organization and, if different from the director or
34 supervisor, the name, address, and telephone number of the
35 individual assigned by the community or volunteer service
36 organization to supervise the student at the activity site.
- 37 (3) The nature of the community service or volunteer service
38 performed by the student with a certification that the service
39 performed by the student is voluntary.
- 40 (4) The total number of hours the student intends to ~~expend in~~
41 ~~serving~~ **serve** the community service organization or volunteer
42 service organization during the school year.
- 43 (5) A written statement by the director or the supervisor of the
44 community service organization or volunteer service organization
45 certifying that the information included in the application is an
46 accurate reflection of:



- 1 (A) the student's expectations with regard to the number of
- 2 hours of service contemplated to be performed; and
- 3 (B) the community service organization's or the volunteer
- 4 service organization's need to acquire the student's service.
- 5 (6) A description of:
- 6 (A) the educational or career exploration benefits the student
- 7 and the school should expect to gain from the student's
- 8 community or volunteer service participation; and
- 9 (B) the service and benefit the community or volunteer service
- 10 organization expects to gain from the student's participation.
- 11 (7) A description of how the community or volunteer service
- 12 activity relates to a course in which the student is enrolled or
- 13 intends to enroll.
- 14 (8) The manner and frequency in which the student and the
- 15 community or volunteer service activity will be evaluated.
- 16 (9) The name of the certificated school employee who will be
- 17 responsible for monitoring and evaluating the student's activity
- 18 and performance, including assigning to the student a grade for
- 19 ~~the~~ participation under this section.
- 20 (10) Any other information required by the principal.
- 21 [20-10.1-7-16] Sec. 3. ~~(c)~~ For each ~~particular~~ school year in which
- 22 a student wishes to earn academic credit under this chapter, the **student**
- 23 **must submit the** application to participate under this chapter ~~must be~~
- 24 ~~submitted~~ before November 1 of the school year. The principal may
- 25 waive this application deadline if the principal determines that:
- 26 (1) the ~~applicant student~~ was unable to meet the application
- 27 deadline due to extraordinary circumstances; and
- 28 (2) the student will reasonably be able to accrue before graduation
- 29 at least the minimum number of hours of service required to
- 30 acquire at least one (1) academic credit toward the student's
- 31 graduation requirements.
- 32 [20-10.1-7-16] Sec. 4. ~~(d)~~ Upon receipt of the application, the
- 33 principal ~~of the school~~ or the principal's designee shall determine
- 34 whether the student is eligible to receive academic credit under this
- 35 section based on the guidelines established by the department under
- 36 ~~subsection (h)~~ **section 8 of this chapter** and rules adopted by the state
- 37 board under ~~subsection (i)~~ **section 9 of this chapter**.
- 38 [20-10.1-7-16] Sec. 5. ~~(e)~~ The principal or the principal's designee
- 39 shall notify the student and the director or the ~~sponsor supervisor~~
- 40 [QUERY: ??] of the community service organization or the volunteer
- 41 service organization of the determination made under ~~subsection (d)~~
- 42 **section 4 of this chapter**. If the student's application is approved, the
- 43 director or ~~sponsor supervisor~~ [QUERY:??] of the community service
- 44 organization or the volunteer service organization shall periodically
- 45 report to the principal or the principal's designee on the student's
- 46 fulfillment of the expectations included in the application.



[20-10.1-7-16] Sec. 6. ~~(f)~~ Upon the completion of the school year, the principal or the principal's designee shall request the director or the supervisor [QUERY:??] of the community service organization or the volunteer service organization to submit a report on the student's service during the school year that certifies the total number of hours of service contributed by the student.

[20-10.1-7-16] Sec. 7. ~~(g)~~ If the student's total number of hours of service is at least equal to the minimum number of hours required to earn academic credit for community service or volunteer service as set forth in rules adopted by the **state** board, the student shall receive the amount of academic credit available under the **state** board's rules for the service toward the student's graduation requirements.

[20-10.1-7-16] Sec. 8. ~~(h)~~ The department shall develop guidelines necessary to implement this section, including guidelines to assist principals or designees in determining whether a particular community service organization or volunteer service organization qualifies as an entity in which a student's volunteer service translates into academic credit under this section.

[20-10.1-7-16] Sec. 9. ~~(i)~~ The **state** board shall adopt rules under IC 4-22-2 necessary to implement this section, including rules stipulating the following:

(1) The types of community service organizations or volunteer service organizations that qualify as entities described in ~~subsection (h):~~ **section 8 of this chapter.**

(2) The types of community services or volunteer services performed by a student that qualify for approval under this ~~section:~~ **chapter.**

(3) That the student must perform at least forty-eight (48) hours of service to earn one (1) academic credit.

(4) That not more than two (2) academic credits toward graduation are available to a student under this chapter.

(5) That the exploitation or endangerment of students participating under this chapter is prohibited.

(6) That each school corporation and community **service organization** or volunteer service organization participating under this ~~section~~ **chapter** shall monitor student activity under this ~~section~~ **chapter** and compile periodic reports from students and other individuals to ensure:

(A) student health and safety, including assurances that students are not expected to perform duties ~~which~~ **that** are prohibited by law or rule for which students are inadequately prepared or supervised;

(B) an educational benefit to the student is being derived by the student; and

(C) compliance with appropriate statutes and rules.

(7) The minimum acceptable level of certificated school



employee staffing required to adequately implement, monitor, and evaluate the program under this ~~section~~ **chapter**.

(8) The method for demonstrating and enforcing the assurances described under subdivision (6).

Chapter 15. Nonsession School Activities

[20-10.1-1-11] Sec. 1. ~~Sec. 11. (c) Definition, "Agricultural Education"~~. As used in this ~~article~~, ~~the term chapter~~, "agricultural education" means ~~that the~~ form of vocational education ~~which that~~ prepares ~~a person~~ **an individual** for the occupations connected with:

- (1) the tillage of ~~the~~ soil;
- (2) the care of domestic animals;
- (3) forestry; and
- (4) other wage earning or productive work on the farm.

[20-10.1-1-4] Sec. 2. ~~Sec. 4. Definition, "Attendance Unit"~~. As used in this ~~article~~, ~~the term chapter~~, "attendance unit" means the geographical and population area served by a single school ~~consisting that consists~~ of part or all of the school corporation.

[20-10.1-1-11] Sec. 3. ~~(d) Definition, "Home Economics Education"~~. As used in this ~~article~~, ~~the term chapter~~, "home economics education" means ~~that the~~ form of vocational education ~~which that~~ prepares ~~a person~~ **an individual** for occupations connected with the household.

[20-10.1-1-11] Sec. 4. ~~(b) Definition, "Industrial Education"~~. As used in this ~~article~~, ~~the term chapter~~, "industrial education" means ~~that the~~ form of vocational education ~~which that~~ prepares ~~a person~~ **an individual** for the trades, crafts, and wage earning pursuits. ~~This The~~ term includes the occupations performed in stores, workshops, and other establishments.

[20-10.1-1-11] Sec. 5. ~~(a) Definition, "Vocational Education"~~. As used in this ~~article~~, ~~the term chapter~~, "vocational education" means any education ~~that has~~ the major purpose of ~~which is to prepare a person~~ **preparing an individual** for profitable employment.

~~(c) Definition, "Vocational School Department for Industrial, Agricultural or Home Economics Education"~~. As used in this ~~article~~, ~~the term~~ "vocational school or department for industrial, agricultural or home economics education" means an organization of courses, pupils and teachers, under a separate director or head, designed to offer either industrial, agricultural or home economics education:

[20-10.1-8-1] Sec. 6. ~~Sec. 1. Authorization. Each~~ **(a) When public schools are not in session**, a governing body may employ personnel during periods when the public schools are not in session to supervise **the following:**

- (1) Agricultural **education** club work.
- (2) Industrial **education** club work.
- (3) Home economics **education** club work.
- (4) Music activities. ~~and~~



(5) Athletics.

~~These~~ (b) Activities described in subsection (a) must be open and free to all ~~persons~~ **individuals** of school age residing in the attendance unit of the school corporation ~~which that~~ is paying **all or part** of the ~~whole or partial~~ cost of the activity. ~~under this chapter.~~

[20-10.1-8-2] Sec. 7. ~~Sec. 2: Personnel Contracts.~~ Any person ~~An individual~~ employed under this chapter shall enter into a contract ~~with the governing body~~ for ~~that the~~ period of employment. The contract must contain **the following terms:**

(1) The amount ~~and~~ of work to be performed.

(2) The kind of work to be performed.

(3) The ~~term~~ **length of the period of employment.**

(4) The rate of compensation ~~and agreed on by the employee and the governing body.~~

(5) The total amount to be paid. ~~The employee and the governing body shall agree on the compensation. This~~

A contract **entered into under this section** is not a teaching contract ~~nor its or an extension and a person of a teaching contract.~~ An **individual** with a teaching contract during periods when school is not in session may not be employed under this chapter for any period included in ~~that the~~ teaching contract.

[20-10.1-8-3] Sec. 8. ~~Sec. 3: Contract Appropriation.~~ (a) Each A governing body shall pay ~~these~~ contractual obligations ~~but no such~~ **under this chapter.** However, a contract is **not** valid unless the governing body has made ~~a distinct an~~ appropriation from the **school corporation's** general fund ~~in the manner provided by law for the contractual obligations~~ before making the contract.

(b) ~~Each A~~ governing body may ~~make an appropriation appropriate~~ from the **school corporation's** general fund ~~of the school corporation~~ for any one (1) year ~~in a sum an amount~~ equal to the total funds raised by school patrons during ~~that the~~ year ~~for the purpose of purchasing in which the appropriation is made to purchase~~ band uniforms for high school bands sponsored by high schools located within and operated by ~~that the~~ school corporation.

SECTION 2. IC 20-31 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 31. ACCOUNTABILITY FOR PERFORMANCE AND IMPROVEMENT

Chapter 1. Applicability

[20-10.2-1-1] Sec. 1. ~~The provisions in~~ This article ~~concerning schools apply~~ **applies** only to the following:

(1) Public schools.

(2) Except as provided in ~~IC 20-10.2-4~~ **IC 20-31-7** and ~~IC 20-10.2-6;~~ **IC 20-31-9**, nonpublic schools that voluntarily become accredited under ~~IC 20-1-1-6;~~ **IC 20-19-2-8.**



Chapter 2. Definitions

[20-10.2-2-1] Sec. 1. The definitions in this chapter apply throughout this article.

[20-10.2-2-2] Sec. 2. "Annual report" refers to the school corporation annual performance report required by ~~IC 20-1-21~~. **IC 20-20-8.**

[20-10.2-2-3] ~~Sec. 3: "Board" has the meaning set forth in IC 20-10.1-1-17.~~

[20-10.2-2-3.5] Sec. 3. ~~Sec. 3-5:~~ "Charter school" refers to a public school created and operating under ~~IC 20-5-5~~. **IC 20-24.**

[20-10.2-2-3.7] Sec. 4. ~~Sec. 3-7:~~ "Committee" refers to the committee that develops the strategic and continuous school improvement and achievement plan under ~~IC 20-10.2-3~~. **IC 20-31-5.**

[20-10.2-2-3.8] Sec. 5. ~~Sec. 3-8:~~ "Cultural competency" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' educational performance.

[20-10.2-2-4] ~~Sec. 4: "Department" has the meaning set forth in IC 20-10.1-1-18.~~

[20-10.2-2-5] ~~Sec. 5: "Education roundtable" refers to the education roundtable established by IC 20-1-20.5-3.~~

[20-10.2-2-5.5] Sec. 6. ~~Sec. 5-5:~~ "Exceptional learner" refers to the following:

- (1) A **child student** with a disability. (~~as defined in IC 20-1-6-1~~).
- (2) A high ability student (~~as defined in IC 20-10.1-5.1-2~~).

IC 20-36-1-3).

[20-10.2-2-6] ~~Sec. 6: "Governing body" has the meaning set forth in IC 20-10.1-1-5.~~

[20-10.2-2-7] ~~Sec. 7: "Nonpublic school" has the meaning set forth in IC 20-10.1-1-3.~~

[20-10.2-2-8] ~~Sec. 8: "Parent" has the meaning set forth in IC 20-10.1-1-9.~~

[20-10.2-2-9] Sec. 7. ~~Sec. 9:~~ "Plan" refers to a strategic and continuous school improvement and achievement plan established under this article for a school or a school corporation.

[20-10.2-2-9.5] ~~Sec. 8: Sec. 9-5: "Professional standards board" refers to the board established by IC 20-1-1-4.~~

[20-10.2-2-10] ~~Sec. 10: "Public school" has the meaning set forth in IC 20-10.1-1-2.~~

[20-10.2-2-11] Sec. 8. ~~Sec. 11:~~ "School" refers to a public **school** or an accredited nonpublic school.

[20-10.2-2-12] ~~Sec. 12: "School corporation" has the meaning set forth in IC 20-10.1-1-1.~~



1 [20-10.2-2-13] ~~Sec. 13: "Superintendent" has the meaning set forth~~
 2 ~~in IC 20-10.1-1-6.~~

3 **Chapter 3. Adoption of Academic Standards**

4 [20-10.1-17-3] Sec. 1. ~~Sec. 3. (a)~~ The **state** board shall adopt clear
 5 **and concise and jargon free** [QUERY: OK to delete?] state academic
 6 standards that are comparable to national and international academic
 7 standards. These academic standards must be adopted for each grade
 8 level from kindergarten through grade 12 for the following subjects:

- 9 (1) English/language arts.
- 10 (2) Mathematics.
- 11 (3) Social studies.
- 12 (4) Science.

13 For grade levels tested under the ISTEP program, the academic
 14 standards must be based in part ~~upon~~ **on** the results of the ISTEP
 15 program.

16 [20-10.1-16-6] Sec. 2. ~~Sec. 6. (a)~~ The department shall develop
 17 academic standards for the following subject areas for each grade level
 18 from kindergarten through grade 12:

- 19 (1) English/language arts.
- 20 (2) Mathematics.
- 21 (3) Social studies.
- 22 (4) Science.
- 23 (5) Other subject areas as determined by the department.

24 [20-10.1-16-6] Sec. 3. ~~(b)~~ The department shall revise and update
 25 academic standards:

- 26 (1) for each grade level from kindergarten through grade 12; and
- 27 (2) in each subject area listed in ~~subsection (a)~~ **section 2 of this**
 28 **chapter;**

29 at least once every six (6) years. This revision must occur on a cyclical
 30 basis that coincides with the textbook adoption cycle established in
 31 ~~IC 20-10.1-9-4.~~ **IC 20-20-5-6.**

32 [20-10.1-16-6] Sec. 4. ~~(c)~~ The state superintendent shall appoint an
 33 academic standards committee ~~that is~~ composed of subject area
 34 teachers during the period when a subject area is undergoing revision.

35 [20-10.1-16-6] Sec. 5. ~~(d)~~ An academic standards committee shall
 36 submit recommendations on academic standards for a subject area to
 37 the education roundtable ~~(IC 20-1-20-5)~~ **IC 20-19-4** for review by the
 38 educational roundtable.

39 [20-10.1-16-6] Sec. 6. ~~(e)~~ The curriculum program of each grade
 40 level from kindergarten through grade 12 in a school in a school
 41 corporation must be consistent with the following standards:

- 42 (1) The academic standards developed under this section.
- 43 (2) The student competencies developed for the Core 40 college
 44 preparation curriculum models established under ~~IC 20-10.1-5-7.~~

45 **IC 20-30-10.**

46 [20-10.1-17-3] Sec. 7. ~~(b)~~ The department shall do the following:



(1) Distribute the academic standards established under this ~~section~~ **chapter** to each school corporation for distribution by the school corporation to the parent of each student in the school corporation.

(2) Survey parents of students, members of the business community, representatives of higher education, and educators on the importance and applicability of academic standards.

Chapter 4. Performance Based Accreditation

[20-1-1.2-1] Sec. 1. As used in this chapter, "legal standards" means Indiana statutes and rules adopted by the **state** board that apply to each school for accreditation.

[20-1-1.2-2] Sec. 2. (a) A school in Indiana may be accredited:

(1) under the performance based accreditation system established by this chapter; or

(2) by implementing a quality focused approach to school improvement such as the criteria for the Malcolm Baldrige National Quality Award for Education or for a national or regional accreditation agency that is recommended by the education roundtable and approved by the **state** board.

(b) The **state** board shall establish the following:

(1) A performance based accreditation system for accrediting schools in Indiana under this chapter.

(2) A procedure for determining whether a school is making progress toward meeting the criteria for the Malcolm Baldrige National Quality Award for Education or a national or regional accreditation agency.

(c) The department shall establish a schedule for accrediting schools under this chapter.

[20-1-1.2-3] Sec. 3. (a) The **state** board shall establish the following ~~two~~ **(2)** accreditation levels:

(1) Full accreditation status.

(2) Probationary accreditation status.

(b) After the review process described in this chapter has been completed, including the review conducted by the onsite review panel assigned under section ~~10~~ **9** of this chapter, if applicable, **the state board shall assign either full accreditation status or probationary accreditation status to each school and school corporation. shall be accorded either full accreditation status or probationary accreditation status.**

[20-1-1.2-4] Sec. 4. (a) When all ~~of~~ the schools ~~within~~ **in** a school corporation achieve full accreditation status, **the department shall provide a certificate of full accreditation to the school corporation. shall be accorded a certificate of full accreditation.**

(b) If one (1) or more schools in a school corporation are ~~accorded~~ **assigned** probationary status but the school corporation is in substantial compliance with full accreditation standards, **the state board shall**



assign full accreditation status to that school corporation. ~~shall be accorded full accreditation status.~~

[20-1-1.2-6] Sec. 5. ~~Sec. 6:~~ The **state** superintendent and **the state** board shall determine which of the benchmarks and indicators of performance listed in ~~IC 20-1-21-9~~ **IC 20-20-8-8** are appropriate benchmarks for performance based accreditation under this chapter.

[20-1-1.2-7] Sec. 6. ~~Sec. 7:~~ The department shall determine whether the school has complied with the following legal standards for accreditation:

- (1) Health and safety requirements.
- (2) Minimum time requirements for school activity.
- (3) Staff-student ratio requirements.
- (4) Curriculum offerings.
- (5) Development and implementation of a staff evaluation plan under ~~IC 20-6-1-9~~ **IC 20-28-11**.
- (6) Completion of a school improvement plan that:
 - (A) analyzes the strengths and weaknesses of the school;
 - (B) outlines goals of the school community to which school improvement activities will be directed; and
 - (C) identifies objectives of the school and programs designed to achieve those objectives.

[20-1-1.2-8] Sec. 7. ~~Sec. 8:~~ (a) If the department determines that:

- (1) a school has complied with all ~~of~~ the legal standards under section ~~7 6~~ of this chapter; and
- (2) the school's performance has met the expectations for that school in the areas described in section ~~6 5~~ of this chapter;

the **state** board shall make a determination that the school has acquired full accreditation status.

(b) The **department shall conduct the** next review under this chapter of a school described under subsection (a) ~~shall be conducted no not~~ later than five (5) years after the **state** board's determination of full accreditation.

[20-1-1.2-9] Sec. 8. ~~Sec. 9:~~ (a) If the department verifies that:

- (1) a school has not complied with all ~~of~~ the legal standards under section ~~7 6~~ of this chapter; or
- (2) the school's performance has not met the expectations for that school in the areas described in section ~~6 5~~ of this chapter;

a review panel of at least three (3) members shall conduct an onsite evaluation of that school ~~in order~~ to make a recommendation to the **state** board as to the accreditation status of that school.

(b) The department may not publish or otherwise make available for public inspection any information concerning a school's compliance with legal standards under section ~~7 6~~ of this chapter, the meeting of performance expectations under section ~~6 5~~ of this chapter, the assignment of an onsite review panel under **this** section, ~~9 of this chapter~~, or the recommended accreditation status of the school until all



onsite reviews have taken place and recommendations to the **state** board concerning the accreditation status of ~~schools~~ **the school** have been made.

[20-1-1.2-10] Sec. 9. ~~Sec. 10.~~ (a) Each review panel must consist of the following:

- (1) One (1) staff member from the department.
- (2) One (1) classroom teacher.
- (3) One (1) individual who is not a classroom teacher but who is representative of the field of education.

(b) The **state** board shall determine the selection process for the review panels. However, the department shall assign, without **state** board approval, a review panel to each school required to be evaluated under section ~~9~~ **8** of this chapter.

(c) The department may require that more than one (1) review panel conduct the onsite evaluation of a school.

[20-1-1.2-11] Sec. 10. ~~Sec. 11.~~ (a) During its onsite evaluation, a review panel shall review the following for a school:

- (1) Teaching practices and administrative leadership in instruction.
- (2) Parental and community involvement.
- (3) Implementation of the ISTEP remediation program under ~~IC 20-10.1-17~~ **IC 20-32-8** and the educational opportunity program for at-risk children.
- (4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation ~~set out in~~ **under** section ~~7~~ **6** of this chapter.

[20-1-1.2-12] Sec. 11. ~~Sec. 12.~~ Upon review of all ~~of~~ the areas described in sections ~~6~~ **5** and ~~11~~ **10** of this chapter, a review panel shall make a recommendation to the **state** board concerning:

- (1) the accreditation status of the school;
- (2) if applicable, certain recommendations for improvement that the school should consider, including recommendations that the department provide technical assistance to the school; and
- (3) the next date of review for the school.

[20-1-1.2-13] Sec. 12. ~~Sec. 13.~~ (a) Upon receipt of a review panel's recommendation, the **state** board shall make one (1) of the following determinations as to the accreditation status of the school:

- (1) Full accreditation status with the next review being conducted five (5) years after the **state** board's determination of full accreditation.
- (2) Full accreditation status with the next review being conducted earlier than five (5) years after the **state** board's determination of full accreditation.
- (3) Probationary accreditation with the next review being conducted one (1) year after the **state** board's determination of



probationary accreditation.

(b) A school that does not comply with all of the legal standards may not be determined to have acquired full accreditation status.

[20-1-1.2-14] Sec. 13. ~~Sec. 14:~~ If a school is ~~accorded~~ **assigned** probationary accreditation status, the governing body of the school corporation shall:

(1) develop a plan, ~~to raise that school's level of accreditation~~ within one (1) year after ~~being accorded~~ **the school is assigned** probationary status, **to raise the school's level of accreditation;** and

(2) raise ~~that the~~ school's level of accreditation within three (3) years after ~~being accorded~~ **the school is assigned** probationary status.

[20-1-1.2-15] Sec. 14. ~~Sec. 15:~~ (a) If a school having probationary status:

(1) fails to make progress; or

(2) at the end of three (3) years has not achieved full accreditation status;

the **state** board shall ~~accord that school corporation assign~~ probationary accreditation status **to the school corporation in which the school is located.**

(b) A school corporation on probationary accreditation status shall direct its efforts toward raising the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year **after the school corporation is assigned probationary accreditation status.**

[20-1-1.2-16] Sec. 15. ~~Sec. 16:~~ If a school corporation on probationary accreditation status ~~has not raised~~ **does not raise** the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year **after the school corporation was assigned probationary accreditation status,** the department shall submit to the general assembly recommendations concerning the operation and administration of the school corporation and the schools within that school corporation.

[20-1-1.2-17] Sec. 16. ~~Sec. 17:~~ (a) If a school or school corporation is ~~accorded~~ **assigned** probationary accreditation status, the governing body of the school corporation may appeal that determination to the **state** board.

(b) If a school or school corporation is ~~accorded~~ **assigned** probationary accreditation status, the department shall provide assistance to that school or school corporation to achieve full accreditation status.

(c) If a school is ~~accorded~~ **assigned** probationary accreditation status, the completion of the school improvement plan under section 7 **6** of this chapter must involve parents, administrators, teachers, and other members of the community.



[20-1-1.2-18] Sec. 17. ~~Sec. 18~~. The **state** board shall adopt rules under IC 4-22-2 necessary to implement this chapter.

Chapter 5. Strategic and Continuous School Improvement and Achievement Plan

[20-10.2-3-1] Sec. 1. (a) The principal of each school ~~must~~ **shall** coordinate:

(1) the development of an initial three (3) year strategic and continuous school improvement and achievement plan; and
~~coordinate~~

(2) **an** annual review of the plan.

(b) The initial plan and annual review must be made with input from a committee of persons interested in the school, including administrators, teachers, parents, and community and business leaders appointed by the principal. Teacher appointments to the committee must be made in accordance with ~~IC 20-7.5-1~~ **IC 20-29-1.1**.

[20-10.2-3-1.5] Sec. 2. ~~Sec. 1.5~~. (a) This section applies to a charter school.

(b) A charter entered **into** under ~~IC 20-5.5-4~~ **IC 20-24-4** may be used as a charter school's three (3) year ~~strategic and continuous school improvement and achievement~~ plan.

[20-10.2-3-2] Sec. 3. ~~Sec. 2~~. (a) The committee ~~described in section 1 of this chapter~~ must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

(1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the plan to ensure alignment; and

(3) shall return the plan and any recommendations to the school committee by April 1 of the school year before the year of implementation.

(b) A ~~school~~ committee may modify the plan to comply with recommendations made by the superintendent under subsection (a).

(c) A ~~school~~ committee shall submit:

(1) the plan; and

(2) the written recommendations of the superintendent;
to the governing body by May 1 of the school year before the year of implementation.

(d) An initial plan must be established by June 1 of the school year before the year of implementation ~~A plan is established~~ by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of approval is attached to the plan.

[20-10.2-3-3] Sec. 4. ~~Sec. 3~~. (a) A plan **must**:



- 1 (1) ~~shall lay out state~~ objectives for a three (3) year period; and
- 2 (2) ~~must~~ be annually reviewed and revised to accomplish the
- 3 achievement objectives of the school.
- 4 (b) A plan must establish objectives for the school to achieve. These
- 5 achievement objectives must be consistent with academic standards
- 6 and include improvement in at least the following areas:
- 7 (1) Attendance rate.
- 8 (2) The percentage of students meeting academic standards under
- 9 the ISTEP program (~~IC 20-10.1-16~~); (**IC 20-31-3**).
- 10 (3) For a secondary school, graduation rate.
- 11 (c) A plan must address the learning needs of all students, including
- 12 programs and services for exceptional learners.
- 13 (d) A plan must specify how and to what extent the school expects
- 14 to make continuous improvement in all areas of the education system
- 15 where results are measured by setting benchmarks for progress on an
- 16 individual school basis.
- 17 (e) A plan must note specific areas where improvement is needed
- 18 immediately.
- 19 [20-10.2-3-4] Sec. 5. ~~Sec. 4~~: (a) A plan may include a request for a
- 20 waiver of applicability of a rule or statute to a school.
- 21 (b) The governing body may waive any rule adopted by the **state**
- 22 board for which a waiver is requested in a plan, except for a rule that
- 23 is characterized as follows:
- 24 (1) The rule relates to the health or safety of students or school
- 25 personnel.
- 26 (2) The rule is a special education rule under 511 IAC 7.
- 27 (3) Suspension of the rule brings the school into noncompliance
- 28 with federal statutes or regulations.
- 29 (4) The rule concerns curriculum or textbooks.
- 30 (c) Upon request of the governing body and ~~pursuant to~~ **under** a
- 31 plan, the **state** board may waive for a school or a school corporation
- 32 any statute or rule relating to the following:
- 33 (1) Curriculum.
- 34 (2) Textbook selection.
- 35 [20-10.2-3-5] Sec. 6. ~~Sec. 5~~: (a) A plan must contain the following
- 36 components for the school:
- 37 (1) A list of the statutes and rules that the school wishes to have
- 38 suspended from operation for the school.
- 39 (2) A description of the curriculum and information concerning
- 40 the location of a copy of the curriculum that is available for
- 41 inspection by members of the public.
- 42 (3) A description and name of the assessments that will be used
- 43 in the school in addition to ISTEP assessments.
- 44 (4) A plan to be submitted to the governing body and made
- 45 available to all interested members of the public in an easily
- 46 understood format.



(5) A provision to maximize parental participation in the school, which may include **providing parents with:**

(A) access to learning aids to assist students with school work at home;

(B) information on home study techniques; ~~or~~ and

(C) access to school resources.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers.

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

[20-10.2-3-6] Sec. 7. ~~Sec. 6:~~ The department shall act as a clearinghouse for plans and **shall** make effective plans available to school corporations as models to use in developing and carrying out plans.

Chapter 6. Cultural Competency in Educational Environments

[20-10.2-8-2] Sec. 1. ~~Sec. 2:~~ The department, in consultation with the professional standards board, shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

[20-10.2-8-3] Sec. 2. ~~Sec. 3:~~ (a) In developing a school's ~~strategic and continuous school improvement and achievement plan, under~~ ~~IC 20-10.2-3~~, the school's committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

(b) The committee shall:

(1) identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's student population;

(2) incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan; and

(3) recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

(c) The committee shall update annually the information identified



under subsection (b)(1).

Chapter 7. Student Educational Achievement Grants

[20-10.2-4-1] Sec. 1. This chapter does not apply to a nonpublic school.

[20-10.2-4-2] Sec. 2. As used in this chapter, "fund" refers to the student educational achievement fund established ~~under~~ **by** section 4 of this chapter.

[20-10.2-4-3] Sec. 3. As used in this chapter, "grant" refers to a student educational achievement grant from the fund.

[20-10.2-4-4] Sec. 4. (a) The student educational achievement fund is established to provide funds to stimulate and recognize improved student performance in meeting academic standards under the ISTEP program. The fund is administered by the department.

(b) The fund consists of appropriations from the general assembly.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

[20-10.2-4-5] Sec. 5. The general assembly shall determine the statewide amount available for grants in appropriations ~~beginning~~ during ~~the 2001-2003~~ a biennium. The maximum amount available to a school is determined by referencing the number of full-time certified teaching positions for the school. The department, under the direction of the state superintendent, shall determine the available amounts and distribute the grants earned.

[20-10.2-4-6] Sec. 6. ~~(a)~~ The education roundtable shall recommend to the **state** board a system for awarding and distributing grants under this chapter. A system recommended under this section must be based on graduated levels of improvement based on ISTEP program standards and other assessments recommended and approved by the education roundtable.

~~(b) The department shall begin distributing grants during the 2002-2003 school year.~~

[20-10.2-4-7] Sec. 7. (a) The education roundtable shall study the use of **individual student** assessment data: ~~by individual student who is assessed for purposes of:~~

(1) ~~implementing to implement~~ this chapter;

(2) ~~analyzing to analyze~~ student performance over time on various assessments; and

(3) **for** other purposes developed by the roundtable.

~~The roundtable shall make initial recommendations on the use of assessment data by individual student to the board by June 30, 2000.~~

(b) Any recommendation of the roundtable concerning the use of **individual student** assessment data ~~by individual student~~ must be tested in a pilot project before the recommendation may be implemented on a statewide basis.

Chapter 8. Assessing Improvement

[20-10.2-5-1] Sec. 1. (a) The performance of a school's students on



1 ISTEP and other assessments recommended by the education
 2 roundtable and approved by the **state** board are the primary and
 3 majority [QUERY: Does "primary" add anything at all?] means of
 4 assessing a school's improvement.

5 (b) The education roundtable shall examine and make
 6 recommendations to the **state** board concerning:

7 (1) performance indicators ~~that shall to~~ be used as **a** secondary
 8 means of determining school progress;

9 (2) expected progress levels, continuous improvement measures,
 10 distributional performance levels, and absolute performance
 11 levels for schools; and

12 (3) an orderly transition from the performance based accreditation
 13 system to the assessment system set forth in this article.

14 (c) The education roundtable shall consider methods of measuring
 15 improvement and progress used in other states in developing
 16 recommendations under this section.

17 ~~(d) The education roundtable shall make recommendations to the~~
 18 ~~board by June 30, 2000.~~

19 ~~(e) The board shall adopt rules under IC 4-22-2 to implement the~~
 20 ~~recommendations of the education roundtable by January 1, 2001.~~

21 [20-10.2-5-2] Sec. 2. (a) In addition to scores on ISTEP and other
 22 assessments, the department shall use the performance indicators
 23 developed under section 1 of this chapter and the benchmarks and
 24 indicators of performance in each school corporation's annual
 25 performance report as **a** secondary means of assessing the improvement
 26 of each school and school corporation.

27 (b) The department shall assess improvement in the following
 28 manner:

29 (1) Compare each school and each school corporation ~~to with~~ its
 30 own prior performance and not to the performance of other
 31 schools or school corporations.

32 (2) Compare the ~~actual~~ results in the annual report under
 33 ~~IC 20-1-21~~ **IC 20-20-8** with the benchmarks and indicators of
 34 performance established in the plan for the same school.

35 (3) Compare the results for a school by comparing each student's
 36 results for each grade with the student's prior year results, with an
 37 adjustment for student mobility rate. The **education** roundtable
 38 shall make recommendations concerning the incorporation of a
 39 statistical adjustment for student mobility rates into the results.

40 (4) Compare the results for a school ~~to with~~ the state average and
 41 the ninety-fifth percentile level for all assessments and
 42 performance indicators.

43 [20-10.2-5-3] Sec. 3. The **state** board shall establish a number of
 44 categories or designations of school improvement based on the
 45 improvement that a school makes in performance ~~on~~ **of** the measures
 46 determined by the board with the advice of the education roundtable.



The categories or designations must reflect various levels of improvement.

[20-10.2-5-4] Sec. 4. The **state** board shall place each school in a category or designation of school improvement based ~~upon~~ **on** the department's findings from the assessment of the improvement of each school under section ~~3~~ **2** of this chapter. The **state** board must place those schools that do not show improvement and in which less than ninety percent (90%) of the students meet academic standards in the lowest category or designation.

Chapter 9. Consequences

[20-10.2-6-1] Sec. 1. This chapter does not apply to the following:

- (1) A nonpublic school.
- (2) A charter school.

[20-10.2-6-2] Sec. 2. (a) This section applies the first year that a school is placed in the lowest category or designation of school improvement.

(b) The **state** board shall place the school and the school corporation on notice that the school is in the lowest category or designation of school improvement. Upon receiving the notice, the governing body shall:

- (1) issue a public notice of the school's lack of improvement; and
- (2) hold a public hearing in which public testimony is received concerning the lack of improvement.

(c) The committee ~~that developed the school's plan under~~ ~~HC 20-10.2-3~~ shall revise the school's plan. A revision under this subsection may include any of the following:

- (1) Shifting resources.
- (2) Changing personnel.
- (3) ~~A request to~~ **Requesting** the **state** board to appoint an outside team to manage the school or assist in the development of a new plan.

(d) If the governing body approves a request for the **state** board to appoint an outside team under subsection (c)(3), the school is considered to be placed under section 3 of this chapter.

[20-10.2-6-3] Sec. 3. (a) This section applies if, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The **state** board shall establish and assign an expert team to the school. The expert team:

- (1) must include representatives from the community or region that the school serves; and
- (2) may include:
 - (A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and
 - (B) special consultants or advisers.



(c) The expert team shall:

- (1) assist the school in revising the school's plan; and
- (2) recommend changes ~~including the reallocation of resources or requests for technical assistance~~; in the school that will promote improvement, **including the reallocation of resources or requests for technical assistance.**

[20-10.2-6-4] Sec. 4. (a) This section applies if, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The **state** board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) The department's recommendations for improving the school.

(D) Other options for school improvement expressed at the public hearing, including closing the school.

(E) Revising the school's plan in any of the following areas:

(i) Changes in school procedures or operations.

(ii) Professional development.

(iii) Intervention for individual teachers or administrators.

(2) If the **state** board determines that intervention will improve the school, implement **at least one (1) or more** of the options listed in subdivision (1).

Chapter 10. Rules

[20-10.2-7-1] Sec. 1. The **state** board may adopt rules under IC 4-22-2 to implement this article.

Chapter 11. Performance Based Awards

[NOTE - DEPARTMENT OF EDUCATION SUGGESTS REPEAL OF THIS CHAPTER.]

[20-1-1.3-1] [REPEAL - the term is never used substantively] ~~Sec.~~

~~1. As used in this chapter, "score" refers to the results of:~~

~~(1) the ISTEP program tests described in IC 20-10.1-16; or~~

~~(2) a locally adopted assessment program established under IC 20-5-62-6(7).~~

[20-1-1.3-2] [REPEAL - the term is never used substantively] ~~Sec.~~

~~2. As used in this chapter, "student attendance rate" means the average yearly student attendance divided by the number of students enrolled in a school within a school corporation; as determined by the department of education.~~

[20-1-1.3-3] Sec. 1. ~~Sec. 3:~~ The **state** board shall implement the performance based award and incentive program to recognize and



reward schools that have exhibited relative improvement toward the performance benchmarks and indicators of performance listed in ~~IC 20-1-21-9~~ **IC 20-20-8-8** that are ~~determined to be considered~~ appropriate for the school by the **state** superintendent and **the state** board.

[20-1-1.3-4] Sec. 2. ~~Sec. 4:~~ (a) ~~Beginning with the 1987-88 school year,~~ The principal of each school shall, upon request of the department, certify to the department the information ~~listed under~~ **required to determine the school's relative improvement toward each of the benchmarks and indicators considered appropriate for the school under section 3 1** of this chapter. ~~as each factor pertains to that school.~~

(b) Upon receiving the information described under subsection (a) for at least two (2) consecutive years, the department shall make a determination as to whether a school exhibited relative improvement ~~for toward each of the factors listed under section 3 of this chapter:~~ **benchmarks and indicators referred to in subsection (a).** The department shall notify the school in writing of its determination.

[20-1-1.3-5] Sec. 3. ~~Sec. 5:~~ Upon determining the schools that have exhibited relative improvement ~~in toward~~ at least two (2) of the ~~factors listed~~ **benchmarks and indicators considered appropriate for the school** under section ~~3 1~~ of this chapter, the department shall designate those schools that receive a monetary award under this chapter.

[20-1-1.3-6] Sec. 4. ~~Sec. 6:~~ (a) Before a school may receive a monetary award under this chapter, the department shall:

(1) prepare a written report:

(A) identifying the ~~factors~~ **benchmarks and indicators considered appropriate for the school** under section ~~3 1~~ of this chapter in which the school demonstrated relative improvement;

(B) describing the extent to which ~~that the~~ school demonstrated relative improvement; and

(C) specifying the amount of the award sought for the school; and

(2) submit the written report to the ~~state~~ budget committee for its review.

(b) ~~In order for~~ **Before** the department ~~to distribute~~ **distributes** a monetary award under this chapter, the governor must approve the specific award.

[20-1-1.3-7] Sec. 5. ~~Sec. 7:~~ The department may recognize and grant nonmonetary awards to schools that demonstrate relative improvement in at least one (1) of the ~~factors listed in~~ **benchmarks and indicators considered appropriate for the school under section 3 1** of this chapter.

[20-1-1.3-8] Sec. 6. ~~Sec. 8:~~ (a) A public school that receives a monetary award under this chapter may expend that award for any



educational purpose for that school, except:

(1) athletics;

(2) salaries for school personnel; or

(3) salary bonuses for school personnel.

(b) A monetary award may not be used to determine:

(1) the maximum permissible general fund ad valorem property tax levy under IC 6-1.1-19-1.5; or

(2) the tuition support under IC 21-3-1.6;

of the school corporation ~~of in~~ which the school receiving the monetary award is ~~a part~~ **located**.

SECTION 3. IC 20-1-1.3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: [20-1-1.3-9] Sec. 7. ~~Sec. 9:~~ The department shall establish guidelines necessary to implement this chapter.

SECTION 4. IC 20-32 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 32. STUDENT STANDARDS, ASSESSMENTS, AND PERFORMANCE

Chapter 1. Applicability

[20-10.1-1-0.5] Sec. 1. ~~Sec. 0.5: The provisions in~~ This article concerning schools only ~~apply~~ **applies only to the following:**

(1) Public schools. ~~and~~

(2) Nonpublic schools that voluntarily have become accredited under ~~IC 20-1-1-6:~~ **IC 20-19-2-8.**

Chapter 2. Definitions

~~[new]~~ **Sec. 1. The definitions in this chapter apply throughout this article.**

[20-10.1-16-1] Sec. 2. ~~Sec. 1: As used in this chapter,~~ "Academic standards" refers to the statewide academic standards developed under this chapter and under ~~IC 20-10.1-17~~ **IC 20-31-3** indicating the skills and knowledge base expected of a student at a particular grade level for a particular subject area.

[20-10.1-16-3] Sec. 3. ~~As used in this chapter,~~ "Student" means ~~any~~ **an** individual who is enrolled in:

(1) a public school;

(2) an accredited nonpublic school; or

(3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.

Chapter 3. Secondary Certificates of Achievement

[20-10.1-4.4-1] Sec. 1. As used in this chapter, "requisite proficiency" refers to the satisfaction by a student of the standards approved by the:

(1) state board under section ~~4(3)~~ **4(a)(3)** of this chapter to receive a secondary level certificate of achievement in an



academic field; or

(2) workforce proficiency panel within the department of workforce development under section ~~4(3)~~ **4(a)(3)** of this chapter to receive a secondary level certificate of achievement in a technical field.

[20-10.1-4.4-2] Sec. 2. As used in this chapter, "student" refers to a student who meets the following conditions:

(1) Is enrolled in a public school, an accredited nonpublic school, or a nonpublic school that has requested and received from the state board specific approval for ~~its~~ **the school's** education program.

(2) Is in at least grade 9.

(3) If the student: ~~is:~~

(A) ~~is not a child student~~ **is not a child student** with a disability, ~~(as defined in IC 20-1-6)~~; has received a gateway certificate under IC 20-10.1-4.3 [REPEALED - WHAT'S CRITERIA NOW? ASK DOE]; or

(B) ~~is a child student~~ **is a child student** with a disability, ~~(as defined in IC 20-1-6)~~ would benefit from the participation under this chapter as determined by the individualized education program for the student.

[20-10.1-4.4-3] Sec. 3. As used in this chapter, "subject or skill areas" refers to specific and identifiable ~~technical-related~~ **technically related** and academically related subjects or skills.

[20-10.1-4.4-4] Sec. 4. (a) The state board, ~~with respect to~~ **concerning** academic fields of study, and the workforce proficiency panel within the department of workforce development, ~~with respect to~~ **concerning** technical fields of study, shall adopt for statewide implementation ~~by the 1995-1996 school year~~ the following:

(1) Different subject or skill areas in which students may be given the opportunity to do the following:

(A) Demonstrate the requisite proficiency.

(B) Be awarded a secondary level certificate of achievement.

(2) The instrument or assessment by which a student is given the opportunity to demonstrate the requisite proficiency.

(3) The standards required for each subject or skill area necessary to acquire a particular secondary level certificate of achievement.

(b) ~~With regard to~~ **Regarding** the academic field of study, a student may elect to earn academic certificates of achievement in areas designated by the state board through the advanced placement program (as defined in ~~IC 20-10.1-22.2-3~~) **IC 20-36-2-3** [??]) or another appropriate assessment designated by the state board.

(c) The state board may adopt rules to implement this chapter ~~as this chapter relates~~ **relating** to the certificates of achievement for academic fields of study.

[20-10.1-4.4-5] Sec. 5. (a) In making adoptions under section 4 of



1 this chapter, the state board or the workforce proficiency panel within
 2 the department of workforce development shall consider the following
 3 factors:

4 (1) The overall value of the particular subject or skill area to a
 5 broad range of students and the workforce.

6 (2) The transferability of the particular subject or skill area to
 7 other subject or skill areas.

8 (3) Providing, as equally as possible, opportunities for certificates
 9 of achievement in both technical and academic fields.

10 (4) ~~With regard to~~ **Regarding** technical skill areas, the number of
 11 public schools in Indiana that offer technical programs in the
 12 particular skill areas.

13 (5) Any other factor that the state board or the workforce
 14 proficiency panel within the department of workforce
 15 development considers significant.

16 (b) The state board and the department of workforce development
 17 shall cooperate with each other to implement this chapter.

18 [20-10.1-4.4-6] Sec. 6. The secondary level certificate of
 19 achievement assessment instruments must provide each student with
 20 the opportunity to demonstrate the requisite proficiency in the subject
 21 or skill area in an applied manner as appropriate.

22 [20-10.1-4.4-7] Sec. 7. (a) Each student participating in the
 23 technology preparation curriculum under ~~IC 20-10.1-5.6~~ **IC 20-30-12**
 24 or the college preparation curriculum under ~~IC 20-10.1-5.7~~
 25 **IC 20-30-10** may elect to pursue a certificate of achievement in an
 26 academic area. Unless the governing body requires the acquisition of
 27 secondary level academic certificates of achievement for graduation,
 28 the certificates of achievement are not a requirement for graduation.

29 (b) For every secondary level technical education program for which
 30 an appropriate secondary level technical certificate of achievement is
 31 available, each student is required to undergo the appropriate technical
 32 certificate of achievement assessment. Unless the governing body
 33 requires the acquisition of the secondary level technical certificate of
 34 achievement for graduation, the certificates of achievement are not a
 35 requirement for graduation.

36 [20-10.1-4.4-8] Sec. 8. Any secondary level or postsecondary level
 37 (under IC 20-12-1-10) certificates of achievement that a student earns
 38 shall be recorded in the student's official high school transcript.

39 [20-10.1-4.4-9] Sec. 9. A student who:

40 (1) receives a secondary level certificate of achievement in a
 41 particular subject or skill area; and

42 (2) satisfies the standards for receipt of academic credit as
 43 determined by a state educational institution (as defined in
 44 IC 20-12-0.5-1);

45 may receive postsecondary level academic credit at the state
 46 educational institution for the secondary level certificate of



achievement as set forth in IC 20-12-1-9.

[20-10.1-4.4-10] Sec. 10. ~~Each~~ **A** student who undergoes an advanced placement examination under ~~IC 20-10.1-22-2~~ **IC 20-36-2** and receives a satisfactory score on the advanced placement examination is entitled to receive a certificate of achievement for the particular subject area in which the student was tested.

[20-10.1-4.4-11] Sec. 11. This chapter ~~may not be construed to~~ **does not** require a school corporation to offer opportunities for secondary level or postsecondary level certificates of achievement in subject and skill areas in which the school corporation does not offer a program.

[20-10.1-4.4-12] Sec. 12. The state board shall do the following:

(1) Make the ~~various academic related~~ **academically related** secondary level certificate of achievement assessment instruments available to the department of workforce development for the department of workforce development's use in offering adult learners the opportunity to demonstrate the requisite proficiency in the particular subject and skill areas.

(2) Authorize the department of workforce development to award the particular certificates of achievement to those individuals who demonstrate the requisite proficiency.

[20-10.1-4.4-13] Sec. 13. The state board shall, in cooperation with the Indiana commission on vocational and technical education within the department of workforce development, adopt rules under IC 4-22-2 to implement this chapter, including rules concerning the administration of the secondary level certificates of achievement by the department of workforce development.

Chapter 4. Graduation Requirements

[20-10.1-16-13] Sec. 1. ~~Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each A student is required to~~ **must** meet:

(1) the academic standards tested in the graduation examination; and

(2) any additional requirements established by the governing body **of the student's school corporation;**

to be eligible to graduate.

[20-10.1-16-13] Sec. 2. ~~(b)~~ A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

[20-10.1-16-13] Sec. 3. ~~(c)~~ A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all ~~of~~ the following occur:

(1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core



40 curriculum as established by the **state** board under
~~IC 20-10-1-5.7-1. IC 20-30-10-1.~~

(2) The student otherwise satisfies all state and local graduation requirements.

[20-10.1-16-13] Sec. 4. ~~(d)~~ A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of ~~subsection (e)~~ **section 3 of this chapter** may be eligible to graduate if the student does all ~~of~~ the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the **state** board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based ~~upon:~~
on:

(i) tests other than the graduation examination; or

(ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

[20-10.1-16-13] Sec. 5. ~~(e)~~ **(a)** This ~~subsection~~ **section** applies to a student who is a **child student** with a disability. ~~(as defined in IC 20-1-6-1).~~

(b) If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based ~~upon:~~



on:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) The student meets all of the following requirements:

- (A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
- (B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
- (C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
- (D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the **state** board.
- (E) Otherwise satisfies all state and local graduation requirements.

Chapter 5. Indiana Statewide Testing for Educational Progress

[20-10.1-16-5] Sec. 1. ~~Sec. 5:~~ (a) The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of **Indiana** students ~~in Indiana~~ to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
 - (A) The overall academic progress of students.
 - (B) The need for new or revised educational programs.
 - (C) The need to terminate existing educational programs.
 - (D) Student readiness for postsecondary school experiences.
 - (E) Overall curriculum development and revision activities.
 - (F) Identifying students who may need remediation under ~~IC 20-10.1-17~~ **IC 20-32-8**.
 - (G) Diagnosing individual student needs.
 - (H) Teacher training and staff development activities.

[20-10.1-17-3] Sec. 2. ~~(c)~~ ISTEP program testing shall be administered in the following subject areas:

- (1) English/language arts.
- (2) Mathematics.
- (3) ~~Beginning in school year 2002-2003~~, Science, in grade levels determined by the **state** board.
- (4) ~~Beginning in school year 2003-2004~~, Social studies, in grade



levels determined by the **state** board.

[20-10.1-16-5] Sec. 3. ~~(b)~~ To carry out the purposes described in ~~subsection (a)~~, **section 1 of this chapter**, each English/language arts and mathematics test developed for use under ISTEP must include the following:

(1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.

(2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.

(3) A method of testing and grading that will allow comparison with national and international academic standards.

[20-10.1-16-4] Sec. 4. (a) The **state** board shall:

(1) authorize the development and implementation of the ~~Indiana statewide testing for educational progress~~ **ISTEP** program; and

(2) determine the date on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards **adopted under IC 20-31-3**.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

[20-10.1-16-5.2] Sec. 5. ~~Sec. 5-2:~~ **The department shall make** general language arts essay scoring rubrics ~~shall be made~~ available to the public ~~by the department~~ at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must comply with the following:

(1) For an essay question, have a prompt that is taken from:

(A) a textbook on the state textbook adoption list included in ~~IC 20-10.1-9~~; **IC 20-20-5**; or

(B) a source other than a source listed in clause (A) that is approved by the ISTEP program citizens' review committee established ~~by section 5-5 of this chapter~~; **under IC 20-32-6**.

(2) Not seek or compile information about a student's:

(A) personal attitudes;

(B) political views;

(C) religious beliefs;

(D) family relationships; or

(E) other matters listed in ~~IC 20-10.1-4-15(b)~~; **IC 20-30-5-17**.

The ISTEP program citizens' review committee ~~established by section 5-5 of this chapter~~ shall determine whether an essay question or a scoring rubric complies with this subdivision.



[20-10.1-16-7] Sec. 6. ~~Sec. 7. (a)~~ The scoring of student responses under an ISTEP test:

- (1) must measure student achievement relative to the academic standards established by the ~~Indiana state board; of education;~~
- (2) must adhere to scoring rubrics and anchor papers; and
- (3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

[20-10.1-16-7] Sec. 7. ~~(b)~~ This subsection applies to reports of scores in mathematics and English/language arts. Reports must:

- (1) provide scores indicating student performance relative to each of the academic standards:
 - (A) established by the ~~Indiana state board; of education;~~ and
 - (B) assessed by the test;
- (2) be related to passing scores established by the **state** board; and
- (3) contain the information listed in subdivisions (1) and (2) for the following levels:
 - (A) Individual student.
 - (B) Classroom.
 - (C) School.
 - (D) School corporation.
 - (E) ~~The state of~~ Indiana.

[20-10.1-16-7] Sec. 8. ~~(c)~~ Reports of student scores must be:

- (1) returned to the school corporation that administered the test; and
- (2) accompanied by a guide for interpreting scores.

[20-10.1-16-7] Sec. 9. ~~(d)~~ **(a)** After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

- (1) Give each student and the student's parent or guardian the student's ISTEP scores.
- (2) Make available for inspection to each student and the student's parent or guardian the following:
 - (A) A copy of the essay questions and prompts used in assessing the student.
 - (B) A copy of the student's scored essays.
 - (C) A copy of the anchor papers and scoring rubrics used to score the student's essays.

A student's parent or guardian may request a rescoring of a student's responses to a test, including a student's essay.

(b) ~~No individual's~~ **A student's** ISTEP scores may **not** be disclosed to the public.

[20-10.1-16-7] Sec. 10. ~~(e)~~ After a school receives score reports, the school shall schedule a parent/teacher conference with the following:

- (1) A parent **of a student** who requests a parent/teacher conference on the scores of the ~~parent's child;~~ **student.**
- (2) The parent of each student who does not receive a passing



score on the test. The conference must include a discussion of:

(A) the student's test scores, including subscores on academic standards; and

(B) the proposed remediation plan for the student.

[20-10.1-16-7] Sec. 11. ~~(f)~~ **Each school corporation shall compile the aggregate total results of the ISTEP tests [QUERY: Is this the same as "ISTEP Scores" in Sec. 12?] shall be compiled by each school corporation** in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent or guardian of each student tested under the ISTEP program.

[20-10.1-16-7] Sec. 12. ~~(g)~~ The department shall develop a format for the publication by school corporations in an annual performance report required by statute under IC 20-20-? of appropriate academic information required by the department, including ISTEP scores, in a manner that a reasonable person can easily read and understand.

[20-10.1-16-7] Sec. 13. ~~(h)~~ The school corporation shall provide the ISTEP program test results [QUERY: Is this the same as "ISTEP Scores" in Sec. 12?] on a school by school basis to the department upon request.

[20-10.1-16-7] Sec. 14. ~~(i)~~ Upon request by the commission for higher education, the department shall provide ISTEP program test results [QUERY: Is this the same as "ISTEP Scores" in Sec. 12?] to the commission for those students for whom the commission under 20 U.S.C. 1232 ~~(g)~~ **1232g** has obtained consent.

[20-10.1-16-8] Sec. 15. ~~Sec. 8:~~ (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student in grade 10 must take a graduation examination.

(b) The **state** board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

[20-10.1-16-8] Sec. 16. ~~(b)~~ **(a)** A student who is a **child student** with a disability ~~(as defined in IC 20-1-6-1)~~ shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing, **or a part of the testing**, under this chapter ~~or a part of the testing~~, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

~~(c)~~ **(b)** Any decision ~~with regard to~~ **concerning** a student ~~who is a child with a disability (as defined in IC 20-1-6-1) to participate in~~ **regarding the student's:**

(1) participation in testing under this chapter; to receive



(2) **receiving** accommodations in testing materials and procedures; ~~to participate~~

(3) **participation** in remediation under ~~IC 20-10.1-17;~~ **IC 20-32-8**; or ~~to be retained~~

(4) **retention** at the same grade level for consecutive school years;

shall be made in accordance with the ~~child's~~ **student's** individualized education program, subject to the ISTEP program manual and federal law. [QUERY: How should this read? In accordance with federal law and the IEP, which is subject to the ISTEP manual? In accordance with the IEP, which is subject to the ISTEP manual and federal law?]

[20-10.1-16-9] Sec. 17. ~~Sec. 9:~~ (a) If a nonpublic school seeks accreditation as authorized under ~~IC 20-1-1-6(a)(5);~~ **IC 20-19-2-6(a)(5)**, the governing body of the nonpublic school is entitled to acquire at no charge from the department:

(1) the ISTEP program test; and

(2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

(1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and

(2) make available to the department the results of the ISTEP program testing.

[20-10.1-16-9.1] Sec. 18. ~~Sec. 9.1:~~ (a) The department shall establish a pilot program to examine innovative testing methods.

(b) The department shall select a representative sample of school corporations determined through an application procedure to participate in the pilot program under this section.

(c) The types of methods authorized under this program include the following:

(1) Recently developed techniques for measuring higher order thinking skills.

(2) Performance testing of academic standards that are difficult to measure by a written test format.

(3) Expanded subject area assessment using student writing samples.

(d) The funds necessary to implement a pilot program under this section shall be expended from the research and development program under ~~IC 20-10.1-22;~~ **IC 20-20-11**.

[20-10.1-16-11] Sec. 19. ~~Sec. 11:~~ If state funds appropriated for remediation are available under ~~IC 20-10.1-17~~ **IC 20-32-8** at the end of the state fiscal year, **the funds:**

(1) ~~those funds~~ do not revert to the state general fund; and

(2) ~~those funds shall~~ **must** be transferred to the 4R's technology program for use under ~~IC 20-10.1-25-2.1;~~ **IC 20-20-13-2.1**.

[20-10.1-16-12] Sec. 20. ~~Sec. 12:~~ (a) The contractor that the department engages for scoring tests shall identify locations in Indiana



that provide a supply of labor and other resources necessary to provide scoring services for the program.

(b) ~~Beginning with the scoring of the test given during the 1995-1996 school year,~~ The contractor shall relocate to Indiana the contractor's facilities for scoring the applied skills ~~portions~~ **parts** of tests given under section 7 of this chapter.

[20-10.1-16-15] Sec. 21. ~~Sec. 15:~~ (a) The **state** board may require schools to participate in national or international assessments.

(b) The **state** board may establish an assessment to be administered at the conclusion of each Core 40 course in English/language arts, mathematics, social studies, and science. However, participation in a Core 40 assessment established under this subsection must be voluntary on the part of a school corporation.

(c) The **state** board may establish a diagnostic reading assessment for use in grade 1 and ~~grade 2 for the purpose of promoting to promote~~ grade level reading competency by grade 3. However, participation in a reading assessment established under this subsection must be voluntary on the part of a school corporation.

[20-10.1-16-10] Sec. 22. ~~Sec. 10:~~ The **state** board shall adopt rules under IC 4-22-2 to implement this chapter.

[20-10.1-16-14] ~~Sec. 23: Sec. 14: Notwithstanding section 7 of this chapter, if the legislative testing issues study committee recommends that grade 12 testing be added or modified, the state board shall make a determination and may adopt rules under IC 4-22-2 to add, modify, or abolish the grade 12 test. [RECOMMEND REPEAL - COMMITTEE EXPIRED DECEMBER 31, 1995.]~~

Chapter 6. ISTEP Program Citizens' Review Committee

[20-10.1-16-5.5] Sec. 1. ~~Sec. 5-5:~~ (a) As used in this ~~section,~~ **chapter**, "committee" refers to the ISTEP program citizens' review committee.

[20-10.1-16-5.5] Sec. 2. ~~(b)~~ The ISTEP program citizens' review committee is established.

[20-10.1-16-5.5] Sec. 3. ~~(c)~~ The committee has fifteen (15) members appointed as follows:

(1) The governor and state superintendent shall **jointly**[??] appoint seven (7) lay members.

(2) The speaker of the house of representatives shall appoint four (4) members, selected as follows:

(A) Two (2) members of the house of representatives from different political parties.

(B) Two (2) persons who:

(i) are not members of the general assembly; and

(ii) have an interest in education.

(3) The president pro tempore of the senate shall appoint four (4) members, selected as follows:

(A) Two (2) members of the senate from different political



parties.

(B) Two (2) persons who:

- (i) are not members of the general assembly; and
- (ii) have an interest in education.

[20-10.1-16-5.5] Sec. 4. ~~(d)~~ Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) and reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

[20-10.1-16-5.5] Sec. 5. ~~(e)~~ Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

[20-10.1-16-5.5] Sec. 6. ~~(f)~~ Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

[20-10.1-16-5.5] Sec. 7. ~~(g)~~ The state superintendent shall:

- (1) convene the committee before a pilot test is conducted; and
- (2) present items listed in ~~subsection (h)~~ **section 8 of this chapter** to the committee for the committee's review.

[20-10.1-16-5.5] Sec. 8. ~~(h)~~ The committee shall review ~~each of the~~ following that the department proposes for use in the ISTEP program:

- (1) Essay ~~question~~ **questions** and ~~prompt~~ **prompts**.
- (2) Scoring ~~rubric~~ **rubrics**.

The committee must review an item listed in subdivision (1) or (2) before the item is used in a test.

[20-10.1-16-5.5] Sec. 9. ~~(i)~~ The committee must reach a consensus on each item listed in ~~subsection (h)~~ **section 8 of this chapter** before the item may be used in the ISTEP program.

[20-10.1-16-5.5] Sec. 10. ~~(j)~~ **The department shall make available** anchor papers ~~shall be made available~~ for review by the committee as soon as the department selects ~~them~~ **the anchor papers**.

Chapter 7. Local Student Diagnostic Assessment and Student Portfolios

[20-10.1-4.7-1] Sec. 1. As used in this chapter, "school" refers to:

- ~~(1) a public school;~~
- ~~(2) an accredited nonpublic school; or~~
- ~~(3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.~~



[20-10.1-4.7-2] ~~Sec. 2:~~ As used in this chapter, "student" refers to a student who is enrolled in a school.

[20-10.1-4.7-3] ~~Sec. 1. Sec. 3:~~ Any A decision with regard to requiring a student who is a ~~child~~ student with a disability under ~~IC 20-1-6~~ to undergo a student diagnostic assessment under this chapter or be retained at a particular grade level shall be made in accordance with the disabled ~~child's~~ student's individualized education program and federal law.

[20-10.1-4.7-4] ~~Sec. 2. Sec. 4:~~ Beginning with the 1994-95 school year, Each school may authorize the school's teachers to administer student diagnostic assessments to allow the teachers to make detailed individual assessments of the educational progress of students in grade levels designated by the state board.

[20-10.1-4.7-5] ~~Sec. 3. Sec. 5:~~ The department shall make available to schools optional student diagnostic tools such as actual assessment instruments or computer banks containing appropriate essential skills items to assist schools in implementing the diagnostic assessments.

[20-10.1-4.7-6] ~~Sec. 4. Sec. 6:~~ After a governing body holds a public hearing on a proposed portfolio program, the governing body may establish a portfolio program to maintain a portfolio of a student's work at grade levels designated by the governing body.

[20-10.1-4.7-7] ~~Sec. 5. Sec. 7:~~ The governing body shall develop guidelines for the portfolio program, including guidelines governing the appropriate contents of the portfolios.

[20-10.1-4.7-8] ~~Sec. 6. Sec. 8:~~ Upon the written consent of:

- (1) the student; or
 - (2) if the student is not emancipated, the student's parent;
- the contents of the student's portfolio may be disclosed to a student's prospective employer.

Chapter 8. Remediation

[20-10.1-17-0.5] ~~Sec. 0.5:~~ As used in this chapter, "academic standards" has the meaning set forth in ~~IC 20-10.1-16-1~~.

[20-10.1-17-1] ~~Sec. 1:~~ As used in this chapter, "ISTEP program" has the meaning set forth in ~~IC 20-10.1-16~~.

[20-10.1-17-1.5] ~~Sec. 1. Sec. 1.5:~~ As used in this chapter, "grant" refers to a grant under the remediation grant program established under this chapter.

[20-10.1-17-1.8] ~~Sec. 2. Sec. 1.8:~~ As used in this chapter, "program" refers to the remediation grant program established under this chapter.

[20-10.1-17-2] ~~Sec. 3. Sec. 2:~~ As used in this chapter, "student" means any individual who is enrolled in a school corporation.

[20-10.1-17-4.5] ~~Sec. 4. Sec. 4.5:~~ (a) The remediation grant program is established to provide grants to school corporations for the following:

- (1) Remediation of students who score below academic standards.
- (2) Preventive remediation for students who are at risk of falling



below academic standards.

(3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under ~~IC 20-5-62-6(7)~~: **IC 20-26-15-6(7)**:

- (A) remediation of students who score below academic standards under the locally adopted assessment program; and
- (B) preventive remediation for students who are at risk of falling below academic standards under the locally adopted assessment program.

[20-10.1-17-4.5] Sec. 5. ~~(b)~~ The department shall do the following:

- (1) Subject to section ~~5-5~~ 6 of this chapter, develop a formula to be approved by the state board, ~~of education~~, reviewed by the ~~state~~ budget committee, and approved by the budget agency for the distribution of grants to school corporations.
- (2) Distribute grant funds according to the formula.
- (3) Determine standards for remediation programs to be funded under the program.
- (4) Administer the program.

[20-10.1-17-5.5] Sec. 6. ~~Sec. 5-5~~: The formula ~~that~~ the department develops under this chapter must provide the following:

- (1) Each school corporation must be able to qualify for a grant.
- (2) A maximum grant amount must be determined for each school corporation.
- (3) The amount that a school corporation may receive per student must be related to:
 - (A) the percentage of students scoring below state achievement standards; or
 - (B) for a freeway school or freeway school corporation having a locally adopted assessment program, the percentage of students falling below achievement standards under the locally adopted assessment program.

The school corporation having the highest percentage of students scoring below state achievement standards must be entitled to the highest grant amount per student.

- (4) The actual grant to a school corporation must be the lesser of:
 - (A) two hundred percent (200%) of the amount appropriated by the governing body of the school corporation under section ~~6-5~~ 7 of this chapter; or
 - (B) the maximum grant amount determined for the school corporation under subdivision (2).
- (5) The amount distributed to school corporations under the program may not exceed the appropriation by the general assembly for the remediation grant program.

[20-10.1-17-6.5] Sec. 7. ~~Sec. 6-5~~: A school corporation qualifies to receive a grant when the governing body of the school corporation appropriates money from the general fund of the school corporation for



1 **a:**

2 (1) ~~a~~ remediation program; or

3 (2) ~~a~~ preventive remediation program;

4 that meets the state board's ~~of education's~~ standards for funding under
5 the program, and, if the program is a preventive remediation program,
6 that has been approved by the ~~state~~ board.

7 [20-10.1-17-7.5] Sec. 8. ~~Sec. 7-5:~~ (a) The governing body of a
8 school corporation may establish a remediation program or a
9 preventive remediation program under this chapter for all students who
10 fall below the academic standards ~~described in IC 20-10.1-16~~ **adopted**
11 **under IC 20-31-3**. The governing body shall spend money under this
12 chapter for direct remediation or direct preventative remediation
13 services for students.

14 [20-10.1-17-7.5] Sec. 9. (b) If the governing body decides to
15 establish a remediation program or ~~a~~ preventive remediation program
16 under this chapter, the governing body must:

17 (1) subject to ~~subsection (e),~~ **section 10 of this chapter**,
18 determine the type of program that best fits the needs of the
19 students of the school corporation; and

20 (2) adopt guidelines for:

21 (A) procedures for determining student eligibility for a
22 program; and

23 (B) implementation of the program.

24 [20-10.1-17-7.5] Sec. 10. (c) If the governing body decides to offer
25 a preventive remediation program, the program shall give consideration
26 to including a reading recovery program [QUERY: Isn't it the
27 governing body that must give consideration to including a reading
28 recovery program within the preventive remediation program?].

29 [20-10.1-17-10] Sec. 11. ~~Sec. 10:~~ Notwithstanding the requirements
30 of this chapter, any decisions made with regard to:

31 (1) attendance in a remediation program;

32 (2) ISTEP program testing; and

33 (3) the grade level placement;

34 for a student who is a ~~child~~ **student** with a disability (~~as defined in~~
35 ~~IC 20-1-6-1~~), shall be made in accordance with the individualized
36 education program, (~~as defined in IC 20-1-6-1~~), state law, and federal
37 law.

38 [20-10.1-17-11] Sec. 12. ~~Sec. 11:~~ The department shall develop
39 curriculum guidelines for use by each school corporation in developing
40 its remediation program under this chapter.

41 [20-10.1-17-12] Sec. 13. ~~Sec. 12:~~ The ~~state~~ board shall adopt rules
42 under IC 4-22-2 to implement this chapter.

43 [20-10.1-1-10] ~~Sec. 10:~~ (a) ~~Definition, "Hearing-disabled Child": As~~
44 ~~used in this article, the term "hearing-disabled child" means any~~
45 ~~educable child of sound mind three (3) years old or older and under~~
46 ~~twenty-one (21) who has a hearing deficiency such that it is~~



1 impracticable or impossible for the child to benefit from or participate
2 in the regular classroom program of the school corporation in the
3 attendance unit of the child's residence; and whose education requires
4 a modification of the regular classroom program:

5 (b) Definition, "Oral Training Center": As used in this article; the
6 term "oral training center" means a facility established by a school
7 corporation for the oral training of hearing-disabled children:

8 (c) Definition, "Oral Training Unit": As used in this article; the term
9 "oral training unit" means a class established by an oral training center:
10 [QUERY: THESE TERMS ARE NOT USED IN TITLE 20 - REPEAL]

11 [20-10.1-1-13] Sec. 13: References: A reference to any chapter or
12 section of the Indiana Code refers to that chapter or section; any
13 amendments of it; and any statute or statutes which repeal, supplement,
14 implement or supercede that chapter or section:

15 [20-10.1-1-14] Sec. 14: Gender; Number: (a) Whenever a masculine
16 gender pronoun is used in this article; it refers to the masculine;
17 feminine or neuter, whichever is appropriate:

18 (b) The singular form of any noun used in this article includes the
19 plural; and the plural includes the singular where appropriate:

